

2000

Voter Information Guide for 2000, Primary

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Secretary of State

Dear Voter,

Welcome to California's first Primary Election of the new millennium! As registered voters of California, you will have the opportunity to decide the future of our state by casting your vote on the important issues and various candidates listed in this *Voter Information Guide*. An exciting change for this next election is that you will head to the polls earlier than any other election year. Thanks to legislation enacted in 1998, California's presidential primary election has been moved up three months to March 7, 2000, providing you with a powerful voice in determining—for the first time in a generation—who will be our nominees for the next U.S. President!

To help you prepare for the election, the *Voter Information Guide* contains comprehensive summaries, legislative analyses and arguments on 18 propositions that will appear on the March 7th ballot. We urge you to please take the time to read each measure carefully *before* going to the polls. And on March 7, 2000, you will be prepared to cast your ballot with confidence!

You may have noticed a few changes from previous *Voter Information Guides*. In addition to a newly designed cover, a tear-out summary of the measures has been added to assist in your decision-making process at the polls. Used as a quick reference, this "pullout" guide will assist you in making informed decisions when casting your ballot. We've also included a comments section to assess the usefulness of the pamphlet as it exists now, and what can be done to improve it. Please refer to page 147 for instructions on how to submit your suggestions. This is important so that we can deliver the information you want and need to make your decisions.

To set new standards for the new millennium, we have expanded our Internet site to provide you with as much information as possible. The best in the country, our new state-of-the-art design will help you find your polling place location on Election Day, allow you to monitor live election results as soon as polls close and follow the candidates' money trails as their campaign finance reports will be filed on-line. You can access these and other exciting and new services by visiting our web site: **www.ss.ca.gov**.

The Secretary of State is committed to raising the level of voter participation in California to 100 percent while maintaining a zero tolerance for fraud or elections misconduct. If you know anyone who is not registered to vote and would like to do so, please have them call the Secretary of State's 24-hour Voter Registration and Election Fraud Hot-Line at 1-800-345-VOTE to receive a voter registration form.

As Californians we must take full-advantage of our unprecedented role in the presidential selection process. For the first time in 30 years, Californians will determine who will appear on the presidential election ballot. **We urge you to go to the polls on March 7th and encourage your family, friends and relatives to participate and vote!**



Gambling on Tribal Lands. Legislative Constitutional Amendment.

Official Title and Summary Prepared by the Attorney General

GAMBLING ON TRIBAL LANDS. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

- Modifies state Constitution's prohibition against casinos and lotteries, to authorize Governor to negotiate compacts, subject to legislative ratification, for the operation of slot machines, lottery games, and banking and percentage card games by federally recognized Indian tribes on Indian lands in California, in accordance with federal law.
- Authorizes slot machines, lottery games, and banking and percentage card games to be conducted and operated on tribal lands subject to the compacts.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Uncertain fiscal effect on state and local tax revenues ranging from minor impact to significant annual increases.
- State license fees of tens of millions of dollars each year available for gambling-related costs and other programs.

Final Votes Cast by the Legislature on SCA 11 (Proposition 1A)

Assembly: Ayes 75	Senate: Ayes 35
Noes 4	Noes 0

Analysis by the Legislative Analyst

BACKGROUND

Gambling in California

The State Constitution and various other state laws limit the types of legal gambling that can occur in California. The State Constitution specifically:

- Authorizes the California State Lottery, but prohibits any other lottery.
- Allows horse racing and wagering on the result of races.
- Allows bingo for charitable purposes (regulated by cities and counties).
- Prohibits Nevada- and New Jersey-type casinos.

Other state laws specifically prohibit the operation of slot machines and other gambling devices (such as roulette). With regard to *card* games, state law prohibits: (1) several specific card games (such as twenty-one), (2) "banked" games (where the house has a stake in the outcome of the game), and (3) "percentage" games (where the house collects a given share of the amount wagered).

State law allows card rooms, which can operate any card game not otherwise prohibited. Typically, card room players pay a fee on a per hand or per hour basis to play the games.

Gambling on Indian Land

Gambling on Indian lands is regulated by the 1988 federal Indian Gaming Regulatory Act (IGRA). The IGRA defines gambling under three classes:

- **Class I** gambling includes social games and traditional/ceremonial games. An Indian tribe can offer Class I games without restriction.
- **Class II** gambling includes bingo and certain card games.

Class II gambling, however, specifically *excludes* all banked card games. An Indian tribe can offer only the Class II games that are permitted elsewhere in the state.

- **Class III** gambling includes all other forms of gambling such as banked card games (including twenty-one and baccarat), virtually all video or electronic games, slot machines, parimutuel horse race wagering, most forms of lotteries, and craps.

An Indian tribe can operate Class III games only if the tribe and the state have agreed to a tribal-state compact that allows such games. The compact can also include items such as regulatory responsibilities, facility operation guidelines, and licensing requirements. After the state and tribe have reached agreement, the federal government must approve the compact before it is valid.

Gambling on Indian Lands in California

According to the federal Bureau of Indian Affairs, there are over 100 Indian rancherias/reservations in California. Currently, there are about 40 Indian gambling operations in California, which offer a variety of gambling activities.

In the past two years there have been several important developments with regard to Indian gambling in California:

- **April 1998.** The Governor concluded negotiations with the Pala Band of Mission Indians to permit a specific type of Class III gambling on tribal land. The compact resulting from these negotiations—the "Pala" Compact—was subsequently signed by 10 other tribes. These 11 compacts were approved in legislation in August 1998.

- **November 1998.** State voters approved the Tribal Government Gaming and Economic Self-Sufficiency Act—Proposition 5. The proposition, which amended state law but not the State Constitution, required the state to enter into a specific compact with Indian tribes to allow certain Class III gambling activities.
- **November 1998.** A referendum on the August 1998 legislation approving the 11 Pala compacts qualified for this ballot (Proposition 29). Once qualified, this legislation was put “on hold” pending the outcome of the vote on Proposition 29.
- **August 1999.** Proposition 5 was ruled unconstitutional by the State Supreme Court on the basis that the measure would permit the operation of Nevada- and New Jersey-type casinos.
- **September 1999.** The Governor negotiated and the Legislature approved compacts with 57 tribes—including the tribes that signed the Pala compacts—authorizing certain Class III games. These take the place of all previously approved compacts, including the Pala compacts. These new compacts, however, will become effective only if (1) this proposition is approved and (2) the federal government approves the compacts.

PROPOSAL

This proposition amends the State Constitution to permit Indian tribes to conduct and operate slot machines, lottery games, and banked and percentage card games on Indian land. These gambling activities could only occur if (1) the Governor and an Indian tribe reach agreement on a compact, (2) the Legislature approves the compact, and (3) the federal government approves the compact. (Although this proposition authorizes lottery games, Indian tribes can currently operate lottery games—subject to a gambling compact. This is because the State Constitution permits the State Lottery, and Indian tribes can operate any games already permitted in the state.)

As discussed above, the Governor and the Legislature have approved virtually identical tribal-state compacts with 57 Indian tribes in California. If this proposition is approved, those compacts would go into effect if approved by the federal government. (See Figure 1 for a brief description of these compacts’ major provisions.)

FISCAL EFFECT

State and Local Revenue Impact

This measure would likely result in an increase in economic activity in California. The magnitude of the increase would depend primarily on (1) the extent to which tribal gambling operations expand and (2) the degree to which new gambling activity in California is from spending diverted from Nevada and other out-of-state sources (as compared to spending diverted from other California activities).

While the measure would likely result in additional economic activity in California, its impact on state and local revenues is less clear. This is because, as sovereign governments, tribal businesses and members are exempt from certain forms of taxation. For example, profits earned by gambling activities on tribal lands would not be subject to state corporate taxes. In addition, gambling on tribal lands is not subject to wagering taxes that are currently levied on other forms of gambling in California (horse race wagers, card rooms, and the Lottery). Finally, wages paid to tribal members employed by the gambling operation and living on Indian land would not be subject to personal income taxes.

Even with these exemptions, tribal operations still generate tax revenues. For example, wages paid to nontribal employees of the operations are subject to income taxation. In addition,

certain nongambling transactions related to the operations are subject to state and local sales and use taxes. However, on average, each dollar spent in tribal operations generates less tax revenue than an equivalent dollar spent in other areas of the California economy.

Given these factors, the *net* impact of this measure on state and local government revenues is uncertain. For example, revenues could increase significantly if the measure were to result in a large expansion in gambling operations *and* a large portion of the new gambling was spending that would have otherwise occurred outside of California (such as in Nevada). On the other hand, if the expansion of gambling were relatively limited or if most of the new gambling represented spending diverted from other areas in the state’s economy that are subject to taxation, the fiscal impact would not be significant.

Other Governmental Fiscal Impacts

The measure could result in a number of other state and local fiscal impacts, including: regulatory costs, an increase in law enforcement costs, potential savings in welfare assistance payments, and an increase in local infrastructure costs. We cannot estimate the magnitude of these impacts.

Passage of this proposition would result in the implementation of tribal-state compacts approved in September 1999—assuming these compacts are approved by the federal government. Under these compacts, the tribes would pay license fees to the state totaling tens of millions of dollars annually. The state could spend this money on Indian gambling regulatory costs, other gambling-related costs, and other purposes (as determined by the Legislature).

Figure 1

September 1999 Compacts That Could Go Into Effect If Proposition 1A Passes

Major Provisions



Slot Machines

- The compacts allow each tribe at least 350 slot machines.
- Tribes may pay for licenses for additional machines, but generally may not operate more than 2,000 machines.



Revenue Sharing Trust Fund

- Tribes will make quarterly payments into this fund based on the number of licensed slot machines they operate. The money will be used to provide annual payments to noncompact tribes and those tribes operating fewer than 350 machines. These payments could be up to \$1.1 million per tribe per year.



Special Distribution Fund

- Tribes will make quarterly payments into this state fund (beginning in 2002) based on the number of machines they were operating as of September 1, 1999.
- The Legislature could spend monies from the fund for the following statewide purposes: (1) grants for programs to address gambling addiction, (2) grants to the state and local governments affected by tribal gaming, (3) reimbursements of state regulatory costs, (4) payment of shortfalls in the Revenue Sharing Trust Fund, and (5) other purposes specified by the Legislature.



Banked and Percentage Card Games

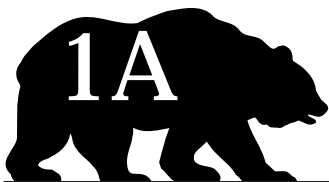
- The compact places no limit on the types or quantity of card games tribes could offer.



Other Provisions

- The compacts authorize casino workers to unionize.
- They set the age for gambling in Indian casinos at 18.

For text of Proposition 1A see page 90



Gambling on Tribal Lands. Legislative Constitutional Amendment.

Argument in Favor of Proposition 1A

VOTE YES ON PROP 1A AND ENSURE THAT INDIAN SELF-RELIANCE IS PROTECTED ONCE AND FOR ALL

As tribal leaders of California Indian Tribes, we have seen first-hand the transformation that Indian gaming has made in the lives of our people. Indian gaming on tribal lands has replaced welfare with work, despair with hope and dependency with self-reliance.

We are asking you to vote YES on Proposition 1A so we can keep the gaming we have on our reservations. We thank you for your past support and need your help now to protect Indian self-reliance once and for all.

We are joined by a vast majority of California's Indian Tribes that support Prop 1A, including the 59 Tribes who signed gaming compacts with Governor Davis.

For the past several years, a political dispute has threatened to shut down Indian casinos in California. To resolve this dispute, California's Indian Tribes asked voters last year to approve Proposition 5, the Indian Self-Reliance Initiative. With your help, Proposition 5 won overwhelmingly with 63 percent of the vote.

But big Nevada casinos that wanted to kill competition from California's Indian Tribes filed a lawsuit, and Prop 5 was overturned and ruled unconstitutional on a legal technicality.

So Prop 1A has been put on the March ballot to resolve this technicality and establish clearly that Indian gaming on tribal lands is legal in California.

For more than a decade, Indian casinos in California have provided education, housing and healthcare for Indian people, as well as jobs that have taken Indians off welfare. Today Indian gaming on tribal lands benefits all Californians by providing nearly 50,000 jobs for Indians and non-Indians and producing \$120 million annually in state and local taxes. After

generations of poverty, despair and dependency, there is hope. On reservations with casinos, unemployment has dropped nearly 50%; welfare has been cut by 68% and, in some cases, eliminated entirely.

Proposition 1A:

- Is a simple constitutional measure that allows Indian gaming in California. It protects Indian self-reliance by finally providing clear legal authority for Indian Tribes to conduct specified gaming activities on tribal lands.
- Shares Indian gaming revenues with non-gaming Tribes for use in education, housing, health care and other vitally needed services.
- Provides revenues for local communities near Indian casinos, for programs for gambling addiction and for state regulatory costs.
- Provides for tribal cooperation with local governments and for tribal environmental compliance.

If Proposition 1A fails, tribal gaming would face being shut down. This would be devastating for California Indian Tribes—and bad for California's taxpayers.

We are asking voters to protect Indian gaming on tribal land, so that we can preserve the only option most Tribes have to get our people off welfare. We are asking you to let us take care of ourselves and pay our own way. We urge you to vote YES on Proposition 1A.

ANTHONY PICO

Tribal Chairman, Viejas Band of Kumeyaay Indians

PAULA LORENZO

Tribal Chairperson, Rumsey Indian Rancheria

MARK MACARRO

Tribal Chairman, Pechanga Band of Luiseño Indians

Rebuttal to Argument in Favor of Proposition 1A

Proposition 1A is *not* about keeping tribal casinos open. It's about slot machines. Up to 100,000 of them.

Federal law says Indian casinos can offer any game that's legal anywhere in their state. Bingo, poker, lotteries, betting on horses . . . all legal here. Defeat of Proposition 1A won't change that. But they want video slot machines, the "crack cocaine" of gambling, which our Constitution prohibits.

More slot machines than the whole Las Vegas Strip. And blackjack. Games that have always been illegal in California.

Some tribes violated state and Federal law and brought in illegal slot machines.

Those illegal machines have made a few small tribes extremely rich . . . and they poured over \$75 million dollars into political campaigns in 1998! Over \$21 million of that came from the three tribes that signed Proposition 1A's argument—with only 630 total members on their reservations!

Proposition 1A would let Indian casinos operate as many as 100,000 slot machines, according to California's independent Legislative Analyst. 107 tribes, *each* entitled to run *two* casinos,

paying no state or Federal taxes on annual profits conservatively estimated between \$3.9 billion and \$8.2 billion—almost all from Californians.

Despite 1A's supporters' claims, Proposition 5 wasn't overturned by Nevada casinos on a "technicality." It was overturned by our *Supreme Court* because it violated California's *CONSTITUTION*. (So now they want to amend our Constitution!).

And Nevada? Nevada gambling companies are already being hired to run huge casinos that Proposition 1A will create.

Preserve our Constitution. **VOTE NO ON PROPOSITION 1A.**

BRUCE THOMPSON

Member, California Assembly

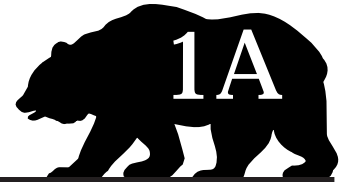
LEO MCCARTHY

Former Lieutenant Governor of California

MELANIE MORGAN

Recovering Gambling Addict

Gambling on Tribal Lands. Legislative Constitutional Amendment.



Argument Against Proposition 1A

Proposition 1A and the Governor's compact with gambling tribes will trigger a massive explosion of gambling in California.

Supporters call it a "modest" increase. Let's see just how "modest."

- Allows 214 casinos, TWO for every tribe.
- Slot machines in California could jump to some 50,000–100,000.
- In 2003, tribes can negotiate another increase.
- Slot machines provide 80% of all casino revenues.
- 18-year-olds are not prohibited from casino gambling.
- Legalizes Nevada-style card games not allowed in California.
- Indian casinos will pay no state or federal corporation taxes.
- Felons can be hired to run tribal casinos.
- Local governments and citizens get no input on size or location.

Casinos won't be limited to remote locations. Indian tribes are already buying up prime property for casinos in our towns and cities. And they're bringing in Nevada gambling interests to build and run their casinos.

Now California card clubs and racetracks are demanding the right to expand their gambling to keep pace: telephone and computer betting from home, slot machines, blackjack and more. If 1A passes, they'll be next in line.

This is our last, best chance to avoid the Golden State becoming the casino state. Vote no on Proposition 1A.

BRUCE THOMPSON

Member, California State Assembly

A report funded by Congress reveals there are 5.5 million adult pathological or problem gamblers in this country, with another 15 million "at risk." About 700,000 pathological and problem gamblers live in California, with another 1.8 million

"at risk." That doesn't include a large number of teenage gamblers.

Experts tell us "Pathological gamblers engage in destructive behaviors, commit crimes, run up large debts, damage relationships with family and friends, and they kill themselves."

Proposition 1A would dramatically increase—probably double—this seriously troubled population by legalizing perhaps 50,000 to 100,000 slot machines, including interactive video games, the "crack cocaine" of gambling. These video slot machines very rapidly turn potential problem gamblers into pathological ones, warn treatment professionals.

California taxpayers will pay many millions in law enforcement costs and in health and welfare aid to troubled gamblers and their families.

Proposition 1A makes us another Nevada, virtually overnight. Do we really want that?

LEO MCCARTHY

Former Lieutenant Governor of California

Addiction isn't something we like to talk about. It's a silent disease that devastates your family, ruins friendships and destroys you personally and financially. Like hundreds of thousands of women, I know from bitter experience the dark side of gambling.

I know that the closer the opportunity to gamble is, the easier it is, the more likely you are to fall into its trap. This isn't about chances in a church drawing. It's about losing your house payment, rent money or child's college fund, and lying and cheating to get more so you can try to win it back. It's about bankruptcy, divorce, domestic violence and suicide.

Proposition 1A puts gambling casinos right in everyone's backyard, where they could profit from \$1 billion to \$3 billion per year, much of it from weak and vulnerable gambling addicts.

I know. I was one. Please, vote NO on 1A.

MELANIE MORGAN

Recovering Gambling Addict

Rebuttal to Argument Against Proposition 1A

Opponents to Prop 1A are using the same misleading scare tactics they tried against Prop 5 in 1998. Their arguments are just as false now as they were then.

Prop 1A

- Supports Indian self-reliance by *ALLOWING TRIBES TO RUN REGULATED GAMING ON TRIBAL LAND* and with the same types of games that exist today.
- *PRESERVES MORE THAN \$120 MILLION ANNUALLY IN STATE AND LOCAL TAXES* generated by Indian gaming.
- *SHARES MILLIONS OF DOLLARS* in gaming revenues *WITH TRIBES THAT DON'T HAVE GAMING*, to fund health care, education, care for elders, and other vitally needed programs.
- *PROVIDES REVENUE FOR LOCAL GOVERNMENT AGENCIES AND PROBLEM GAMBLING PROGRAMS.*

"Proposition 1A and federal law strictly limit Indian gaming to tribal land. The claim that casinos could be built anywhere is totally false."

Carl Olson, former federal field investigator, National Indian Gaming Commission

"The majority of Indian Tribes are located on remote reservations and the fact is their markets will only support a limited number of machines."

Bruce Strombom, economist and author of the only comprehensive economic impact study of Indian gaming in California.

California voters, our Governor, the State Legislature and nearly all of California Indian Tribes support Prop 1A. *Vote YES on Prop 1A* to allow California Indian Tribes to continue on the path to self-reliance and for Indian gaming to benefit California taxpayers.

For more information on why claims against Prop 1A are false and misleading, call 1-800-248-2652 or visit our website at Yeson1A.net.

CAROLE GOLDBERG

Professor of Law and American Indian Studies

JEFF SEDIVEC

President, California State Firefighters Association

ANTHONY PICO

Chairman, Californians For Indian Self-Reliance



**Safe Neighborhood Parks, Clean Water,
Clean Air, and Coastal Protection Bond Act of 2000.
(The Villaraigosa-Keeley Act)**

Official Title and Summary Prepared by the Attorney General

**SAFE NEIGHBORHOOD PARKS, CLEAN WATER,
CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000.
(THE VILLARAIGOSA-KEELEY ACT)**

- Provides for a bond issue of two billion one hundred million dollars (\$2,100,000,000) to provide funds to protect land around lakes, rivers, and streams and the coast to improve water quality and ensure clean drinking water; to protect forests and plant trees to improve air quality; to preserve open space and farmland threatened by unplanned development; to protect wildlife habitats; and to repair and improve the safety of state and neighborhood parks.
- Appropriates money from state General Fund to pay off bonds.

**Summary of Legislative Analyst's
Estimate of Net State and Local Government Fiscal Impact:**

- State cost of about \$3.6 billion over 25 years to pay off both the principal (\$2.1 billion) and interest (\$1.5 billion) costs on the bonds. Payments of about \$144 million per year.
- Costs potentially in the tens of millions of dollars annually to state and local governments to operate property bought or improved with these bond funds.

Final Votes Cast by the Legislature on AB 18 (Proposition 12)

Assembly: Ayes 61	Senate: Ayes 31
Noes 15	Noes 3



Background

In past years the state has purchased, protected, and improved recreational areas (such as parks and beaches), cultural areas (such as historic buildings and museums), and natural areas (such as wilderness, trails, wildlife habitat, and the coast). The state also has given money to local governments for similar purposes. In the past 25 years voters have approved about \$1.9 billion of general obligation bonds for these purposes. As of June 1999, all but about \$18 million of the bonds authorized by these previous bond acts had been spent or committed to specific projects.

Proposal

This proposition allows the state to sell \$2.1 billion of general obligation bonds to spend on acquisition, development, and protection of recreational, cultural, and natural areas. General obligation bonds are backed by the state, meaning that the state is required to pay the principal and interest costs on these bonds. General Fund revenues would be used to pay these costs. These revenues come primarily from the state personal and corporate income taxes and the sales tax.

The bond money would be used as shown in Figure 1. As shown in the figure, about \$940 million of the bond money would be granted to local agencies for local recreational, cultural, and natural areas. The remaining \$1.16 billion would be used by the state for recreational, cultural, and natural areas of statewide significance.

Fiscal Effect

Bond Costs. For these bonds, the state would make principal and interest payments from the state's General Fund over a period of about 25 years. If the bonds are sold at an interest rate of 5.5 percent (the current rate for this type of bond), the cost would be about \$3.6 billion to pay off both the principal (\$2.1 billion) and interest (\$1.5 billion). The average payment would be about \$144 million per year.

Operational Costs. The state and local governments that buy or improve property with these bond funds will incur additional costs to operate or manage these properties. These costs may be offset partly by revenues from those properties, such as entrance fees. The net additional costs (statewide) could potentially be in the tens of millions of dollars annually.

Figure 1

Use of Bond Funds Under Proposition 12

(In Millions)

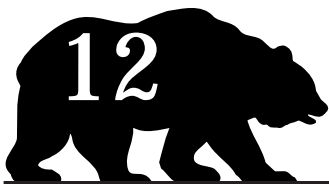
Grants to Local Governments and Nonprofit Groups

To fund recreational areas, with grant amount based on population of the local area (such as a city, county, or park district).	\$ 388.0
For recreational areas primarily in urban areas, as follows:	200.0
• Urban areas—\$138 million.	
• Large urban areas (cities over 300,000 population and county or park districts over 1,000,000 population)—\$28 million.	
• Either urban or rural areas based on need—\$34 million.	
To local agencies for various recreational, cultural, and natural areas.	102.5
For recreational areas, youth centers, and environmental improvement projects benefitting youth in areas of significant poverty.	100.0
For recreational and cultural areas (including zoos and aquariums) in urban areas.	71.5
For farmland protection.	25.0
For soccer and baseball facilities to nonprofit groups that serve disadvantaged youth.	15.0
To San Francisco for improvements at Golden Gate Park.	15.0
For urban forestry programs.	10.0
For playground accessibility improvements using recycled materials.	7.0
To Alameda County for Camp Arroyo.	2.0
For conservation, water recycling, and recreation in Sonoma County.	2.0
For community centers in Galt, Gilroy, and San Benito County.	1.0
For a wild animal rehabilitation center in the San Bernardino Mountains.	1.0
Total, Grants to Local Governments and Nonprofit Groups	\$ 940.0

State Projects

To buy, improve, or renovate recreational areas.	\$ 525.0
To acquire and preserve natural areas.	355.0
To acquire and preserve fish and wildlife habitat.	277.5
To pay the California Conservation Corps for work on projects funded by this proposition.	2.5
Total, State Projects	\$1,160.0
Total, All Bond Funds	\$2,100.0

For text of Proposition 12 see page 90



Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000. (The Villaraigosa-Keeley Act)

Argument in Favor of Proposition 12

Yes on 12 for Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection!

We have a responsibility to preserve our communities' air and water quality, and to make our parks safe for our children and future generations.

YES ON 12 WILL:

- Protect Our Air, Water, Rivers & Beaches from Toxic Pollution
- Provide Kids Safe Places to Play
- Help Keep Kids Off Streets & Out of Gangs
- Protect our Environment & Enhance our Economy

YES ON 12 IS SUPPORTED BY:

- National Audubon Society, National Wildlife Federation
- California Organization of Police and Sheriffs
- National Parks and Conservation Association
- Congress of California Seniors
- League of Women Voters, Sierra Club
- California Chamber of Commerce

STRICT SAFEGUARDS WILL ENSURE ALL FUNDS ARE SPENT AS PROMISED:

- Annual Audits
- Public Hearings
- Citizen Review

YES ON 12 WILL NOT RAISE TAXES because it requires existing tax revenues to be spent efficiently and effectively.

• **ALL CALIFORNIANS BENEFIT:** "Yes on 12 helps California communities make their parks safer for children, families and senior citizens. California's seniors need safe neighborhood parks."

Congress of California Seniors

• **SAFE NEIGHBORHOOD PARKS:** "Yes on 12 will help reduce crime by creating safer recreational areas to keep kids out of gangs, off drugs, and away from violence. Vote Yes on 12 to provide our children safer places to play. Join us in voting Yes on 12."

California Organization of Police and Sheriffs

• **CLEAN WATER:** "We can help keep our water free of pollution and protect our coast, bays, beaches and rivers from toxic waste by

supporting Proposition 12. This measure is vital because it protects the lands that give us clean water."

Clean Water Action

• **CLEAN AIR:** "Yes on 12 will reduce air pollution and improve air quality by planting trees in our communities and by protecting forests, including redwood forests, that purify our air. We will all breathe easier by voting Yes on 12."

Coalition for Clean Air

• **GOOD FOR THE ECONOMY & JOBS:** "California's environment is crucial to our economy. Tourists visit our parks and natural areas bringing millions of dollars to state and local businesses. Our farm economy relies on healthy rivers and streams. By conserving these resources, Yes on 12 helps keep our economy strong and protects businesses and jobs."

California Chamber of Commerce

• **A POSITIVE LEGACY FOR OUR KIDS:** "We need to leave future generations parks, natural lands, clean beaches and a better quality of life! We strongly urge a Yes on Proposition 12!"

League of Women Voters of California

• **WE ALL AGREE—YES ON 12:** Yes on 12 is supported by business, children's groups, environmentalists, labor, religious groups, law enforcement, and senior citizens. Republicans, Democrats, independents, reformers and taxpayer advocates recommend Yes on 12 (See our website at www.parks2000.org).

• **YES ON 12—Protect our air and water from pollution, preserve our coast, rivers and beaches, and provide our children with safe places to play while providing annual public audits and strict fiscal safeguards.**

ROBERT STEPHENS

Chair, National Audubon Society-California

ASSEMBLY SPEAKER ANTONIO VILLARAIGOSA

Chair, Californians for Safe Parks

ALLAN ZAREMBERG

President, California Chamber of Commerce

Rebuttal to Argument in Favor of Proposition 12

THIS INITIATIVE SHOULD HAVE BEEN CALLED THE "SPECIAL-INTEREST-HIDDEN-AGENDA BOND MEASURE," BECAUSE THE BACKERS DON'T WANT YOU TO KNOW WHERE THE MONEY IS REALLY GOING!

They say it's for "Safe Neighborhood Parks," but only a small portion is specifically dedicated to local park facilities—and less than 1% will go toward soccer and baseball fields! What about more "Clean Air"? Less than 1% of the money is dedicated to the Clean Air Improvement Program.

THE TRUTH IS, THE GOVERNMENT WILL USE THE VAST MAJORITY OF THIS MONEY FOR PORK-BARREL SPENDING PROJECTS AND TO BUY MORE LAND FOR INSECTS, RATS AND WEEDS THAT YOUR FAMILY WILL NEVER GET TO SEE OR USE.

Why have so many environmentalist special-interest groups endorsed this bond? Not because it will help your family (it won't), but because this bond will transfer your tax dollars to them to pay their exorbitant salaries and spend on their pet projects!

Speaking of special interests, this bond gives \$15,000,000 to the City of San Francisco and \$30,000,000 to the San Francisco Bay Area Conservancy Program to spend on their local projects. Why should the rest of us be forced to pay for that?

YOUR FAMILY WILL NEVER GET TO SEE OR ENJOY THE PROCEEDS OF THESE BOND FUNDS. BUT YOU WILL HAVE TO PAY FOR THEM—about \$3,738,000,000 over the next 20 years, including fees for lawyers and bankers and the effect of compounded interest. It's just not worth it. Just say NO to Proposition 12!

RAY HAYNES

California Senator

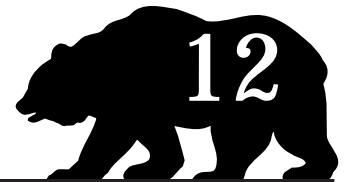
BRETT GRANLUND

California Assemblyman

CARL MCGILL

Chairman, Black Chamber of Commerce of Los Angeles County

Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000. (The Villaraigosa-Keeley Act)



Argument Against Proposition 12

THE NAME OF THIS BOND IS A HUGE DECEPTION— ONLY A SMALL PORTION OF THE \$2,100,000,000 WILL BE SPENT ON NEIGHBORHOOD PARKS AND PLAYGROUNDS!

The sponsors of this proposition would like you to believe that the bond proceeds will be used to fund neighborhood parks and playgrounds, to enhance your community and your family's quality of life. But in fact, only a small fraction of the money has been specifically allocated for local city and county parks and playgrounds, and less than one-percent will be spent on soccer and baseball fields! So where will the rest of the money go?

The government will use the vast majority of the money to buy more land for insects, rats and weeds. In short, this bond will not benefit your family. Your children will never get to set foot on the land that this bond will purchase, even though they will have to work throughout their adult lives to pay off the bond's debt.

What's wrong with the government using this money to buy more land?

First, there is no shortage of "park" space in California, since more than half of all the land in this state is already owned by the state and federal governments. Most of that land is in remote areas, where you and your family can't enjoy it.

Second, once government buys new land with bond funds, it will have to spend additional taxpayer dollars to manage its new property. Expect to see your taxes go up if this bond passes.

Third, do you remember the raging forest fires that blanketed California with smoke last Fall? Most of the smoke came from fires on government-owned land, where dead and diseased trees were left to rot. If this bond passes, even more land will be owned and neglected by the

government, and left to provide kindling for the next round of forest fire infernos.

Fourth, bond measures are among the most expensive and wasteful financing schemes ever devised. According to the Secretary of State, taxpayers must pay back \$1.78 for every \$1 of bond proceeds, because of fees paid to lawyers and bankers and the effect of compounded interest. THIS MEANS THAT CALIFORNIA'S TAXPAYERS WILL ULTIMATELY HAVE TO SPEND \$3,738,000,000 TO REPAY THIS \$2,100,000,000 BOND!

Fifth, Californians are already on the hook for \$36,900,000,000 for bonds previously approved for other projects. California is now so far in debt that Standard & Poor's has assigned our state the third worst credit rating of any state in the country!

Sixth, the State Legislature determined that these projects were NOT sufficiently important to fund, NOT EVEN WITH THE \$12,000,000,000 IN SURPLUS FUNDS THE STATE HAS REALIZED OVER THE PAST FIVE YEARS.

No schools, no roads, nothing for you and me—just more dirt for insects, rats and weeds. This money is literally being flushed down a rat hole.

Vote NO on Proposition 12!

RAY HAYNES

California Senator

BRETT GRANLUND

California Assemblyman

LEWIS K. UHLER

President, The National Tax-Limitation Committee

Rebuttal to Argument Against Proposition 12

The opponents are factually wrong.

- **FACT #1: SAFE NEIGHBORHOOD PARKS**—Proposition 12's largest allocation directs funds to every city and county to make neighborhood parks safer for children and families, and provide youth with positive recreational alternatives to gangs, drugs and violence. Projects will be decided by local community leaders—not by far-away politicians. *That's why California Organization of Police and Sheriffs Supports Proposition 12.*
- **FACT #2: CLEAN AIR & WATER**—Specific programs will plant trees that help purify our air, and conserve lands around our rivers and lakes to help protect our water from pollution. Everyone's health benefits from clean air and water. *That's why Coalitions for Clean Air and Water Support Proposition 12.*
- **FACT #3: PROTECT REDWOOD FORESTS & THE COAST**—Specific programs will preserve ancient redwood forests and threatened coastal lands for future generations to enjoy. It's shameful for opponents to suggest that our redwood trees are "weeds" and our magnificent coast is a "rathole."

- **FACT #4: CLEANUP TOXICS ALONG OUR BEACHES, BAYS & COAST**—Directs funds to help make these areas safer for public use.

- **FACT #5: TOUGH FISCAL SAFEGUARDS—NO NEW TAXES**—Annual audits, public hearings and citizen review will ensure funds are spent as promised. Proposition 12 does not raise taxes—existing state revenues will be used instead.

"These strict safeguards will make sure these funds are spent properly and efficiently." State Treasurer Philip Angelides
Join the California Chamber of Commerce, Governor Gray Davis and the Audubon Society by voting Yes on 12.

GAIL DRYDEN

President, League of Women Voters of California

JACQUELINE ANTEE

State President, American Association of Retired Persons (AARP)

LARRY MCCARTHY

President, California Taxpayers' Association



Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act.

Official Title and Summary Prepared by the Attorney General

SAFE DRINKING WATER, CLEAN WATER, WATERSHED PROTECTION, AND FLOOD PROTECTION BOND ACT.

- This act provides for a bond issue of one billion nine hundred seventy million dollars (\$1,970,000,000) to provide funds for a safe drinking water, water quality, flood protection, and water reliability program.
- Appropriates money from the General Fund to pay off bonds.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- State cost of up to \$3.4 billion over 25 years to pay off both the principal (\$1.97 billion) and interest (\$1.4 billion) costs on the bonds. Payments of about \$135 million per year.
- Potential costs of an unknown amount to local governments to operate or maintain projects developed with these bond funds.

Final Votes Cast by the Legislature on AB 1584 (Proposition 13)

Assembly: Ayes 68
Noes 11

Senate: Ayes 30
Noes 6

Analysis by the Legislative Analyst

Background

The state carries out a number of programs that provide loans and grants to local agencies for various water-related purposes. These purposes include improving the safety of drinking water, flood control, water quality, and the reliability of the water supply.

Safe Drinking Water. In past years, the state has provided funds for loans and grants to public water systems for facility improvements to meet safe drinking water standards. To raise money for these purposes, the state has relied mainly on sales of general obligation bonds. As of June 1999, all but about \$11 million of the \$425 million authorized by previous bond acts since 1976 had been spent or committed to specific projects.

Flood Control. The state also has provided funds to local agencies for *locally sponsored*, federally authorized flood control projects. The costs of these projects are shared among local, state, and federal governments. These projects have primarily been funded from the state General Fund. Due to the state's fiscal condition in the early 1990s, the state was not able to pay its full share of the costs for these projects. In 1996, voters approved Proposition 204 which provided \$60 million in general obligation bonds to pay a portion of these costs. These bond funds have been spent. The Department of Water Resources estimates that the unpaid amount the state owes for its share of costs for local flood control projects will total about \$130 million as of June 30, 2000.

In addition, the state has provided funds for *state-sponsored* flood control projects, mainly located in the Central Valley. The primary source of funding for these projects has been the state General Fund.

Bay-Delta Restoration. The state also has funded the restoration and improvement of fish and wildlife habitat in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the Bay-Delta) and other areas. The state has done this using various fund sources including general obligation bonds and the state General Fund. The Bay-Delta supplies a substantial

portion of the water used in the state for domestic, industrial, agricultural, and environmental purposes. Over the years, the Bay-Delta's capacity to provide reliable supplies of water and sustain fish and wildlife species has been reduced. This has occurred because of increased demand for water from the Bay-Delta and other factors such as pollution, degradation of fish and wildlife habitat, and deterioration of delta levees.

The CALFED Bay-Delta Program is a joint state and federal effort to develop a long-term approach for better management of water resources in the Bay-Delta. Program costs for the first stage of the CALFED Bay-Delta plan (covering seven years) currently under consideration are projected to total about \$5 billion. These costs could double over the projected 30-year term of the plan. It is anticipated that funding would come from a variety of federal, state, local, and private sources.

Proposition 204 provided \$583 million for ecosystem restoration and other improvements in the Bay-Delta. As of June 1999, about \$415 million of this amount remains available for future projects.

Water Quality and Water Supply. The state also has provided funds for projects that improve water quality and supply. For example, the state has provided loans and grants to local agencies for construction and implementation of wastewater treatment, water recycling, and water conservation projects and facilities. The state has sold general obligation bonds to raise money for these purposes. As of June 1999, all but about \$100 million of the approximately \$1.8 billion authorized by previous bond acts since 1970 had been spent or committed to specific projects.

Watershed Protection. In recent years, the state has modified the way it manages the state's water and other natural resources. Instead of using primarily a project-by-project or site-by-site approach, the state now takes a broader approach by focusing on entire watersheds. Under the "watershed management" approach, programs designed to improve water quality and reliability of supply, restore and

enhance wildlife habitat, and address flood control within a watershed are coordinated, often involving various federal, state, and local agencies. Watershed protection programs may include a variety of activities, such as water conservation, desalination, erosion control, water quality monitoring, groundwater recharge, and wetlands restoration.

In general, under the watershed management approach, the federal and state governments enforce environmental standards, while local agencies develop and implement local watershed management plans to meet the standards set for a watershed.

Funding for watershed protection programs, which have included grants to local agencies to control nonpoint source pollution (such as runoff from farming, logging, and mining operations), has come from various sources, including federal funds, the General Fund, and general obligation bonds.

Proposal

This measure allows the state to sell \$1.97 billion of general obligation bonds to improve the safety, quality, and reliability of water supplies, as well as to improve flood protection. Of this total, \$250 million is dedicated specifically to carrying out the CALFED Bay-Delta plan.

General obligation bonds are backed by the state, meaning that the state is required to pay the principal and interest costs on these bonds. General Fund revenues would be used to pay these costs. These revenues come primarily from the state personal and corporate income taxes and sales tax.

Figure 1 summarizes the purposes for which the bond money would be used. The bond money will be available for expenditure by various state agencies and for loans and grants to local agencies and nonprofit associations. The measure specifies the conditions under which the funds are available for loans, including the terms for interest and repayment of the loans.

The measure also requires that funds remaining in specified accounts under the 1996 Safe, Clean, Reliable Water Supply Bond Act (Proposition 204) be used to provide loans and grants for similar types of projects funded under this measure. Additionally, the measure requires that repayments of loans funded from specified Proposition 204 accounts and under the Clean Water and Water Reclamation Bond Law of 1988 (Proposition 83) be used to provide loans and grants for similar projects funded under this measure.

Fiscal Effect

Bond and Other Costs. For these bonds, the state would make principal and interest payments from the state's General Fund over a period of about 25 years. If the bonds are sold at an interest rate of 5.5 percent (the current rate for this type of bond), the cost would be about \$3.4 billion to pay off both the principal (\$1.97 billion) and interest (\$1.4 billion). The average payment would be about \$135 million per year.

However, total debt repayment costs to the state will be somewhat less. This is because the measure requires that loans made for nonpoint source pollution control, water conservation, and specified water quality/supply projects (up to \$363 million) be repaid to the General Fund. The repayments of these loans could reduce the General Fund costs by about \$470 million over the life of the bonds.

Local governments that develop projects with these bond funds may incur additional costs to operate or maintain the projects. The amount of these potential additional costs is unknown.

Use of Repayments of Past Loans. Proposition 204 authorized \$25 million in loans to local agencies for water conservation projects and groundwater recharge facilities. Currently, repayments of these loans are used to provide additional loans for such projects and facilities. This measure requires, instead, that the repayments be used to fund loans

and grants for projects authorized by this measure. Repayments from the loans made under this measure would be required to be deposited in the state's General Fund. This will result in a General Fund savings potentially of up to \$40 million to pay off the principal and interest of the bonds.

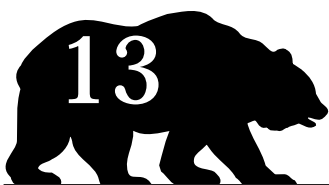
Figure 1

Safe Drinking Water, Clean Water, Watershed Protection, And Flood Protection Act Uses of Bond Funds

(In Millions)

	Amount
Safe Drinking Water Facilities	\$ 70
• Public water system capital improvements	70
Flood Protection	\$ 292
• Flood control and fish and wildlife improvements on Yuba and Feather Rivers	90
• Local flood control projects in specified areas, including 13 counties, the state capitol area, and the Santa Cruz region	72
• Land acquisition and restoration projects	70
• Delta levee rehabilitation	30
• Urban stream restoration	25
• Mapping	5
Watershed Protection	\$ 468
• Protection of the Santa Ana River and the Lake Elsinore and San Jacinto watersheds	250
• River parkway acquisition and riparian habitat restoration	95
• Development and implementation of local watershed management plans	90
• Protection and acquisition of coastal salmon habitat	25
• Water education institute, science center, and science laboratory	8
Clean Water and Water Recycling	\$ 355
• "Nonpoint source" pollution control	190
• Wastewater treatment	100
• Water recycling	40
• Seawater intrusion control	25
Water Conservation	\$ 155
• Water delivery system rehabilitation in economically disadvantaged areas	60
• Agricultural water conservation	35
• Urban water conservation	30
• Groundwater recharge	30
Water Supply Reliability	\$ 630
• Various projects in Bay-Delta to improve water quality, fish migration, and water levels (CALFED projects)	250
• Groundwater storage	200
• Projects to improve water quality and supply in areas receiving delta water	180
Total	\$1,970

For text of Proposition 13 see page 97



Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act.

Argument in Favor of Proposition 13

THIS WATER BOND IS VITAL TO OUR COMMUNITIES. IT'S THE KEY TO SAFE, RELIABLE, POLLUTION-FREE DRINKING WATER WITHOUT NEW TAXES.

Safe drinking water.

We can't live without it. And we can't take it for granted.

That's why Proposition 13 is so important.

The California Department of Water Resources predicts major shortages of pollution-free water. Its official five-year forecast says existing water management options won't fix the problem.

Clean drinking water.

Proposition 13 makes our drinking water safer. It fights groundwater contamination; repairs corroded water pipes and sewer systems; eliminates pollution sources and protects the watersheds that provide our drinking water.

More water.

Proposition 13 reverses a 20-year trend of decreased water supply and protects us, especially during droughts.

This water bond is necessary.

It produces enough new water to meet the needs of 8 million Californians by increasing underground storage and by promoting better conservation, recycling and water management.

Proposition 13 lays the foundation for a lasting water solution without new taxes.

It is strongly supported by Democrats and Republicans, business and labor, the agricultural and environmental communities and California's water providers.

Proposition 13 is:

SAFE DRINKING WATER—It helps meet safe drinking water standards to protect public health.

POLLUTION CONTROL—It fights pollution in lakes and rivers and along our coast; protects water quality from pesticides and agricultural drainage; improves water treatment plants, cleans up urban streams and controls seawater intrusion into clean water supplies.

VITAL WATER SUPPLY—It provides new water through conservation, recycling, underground storage and better use of reservoirs.

FLOOD PROTECTION—It will protect lives, avert billions of dollars in property damage and prevent massive disruption of clean water supplies for families and businesses throughout California.

FISH AND WILDLIFE—Wetlands and other natural habitats are protected, including the San Francisco Bay/Sacramento-San Joaquin Delta, the source of drinking water for 22 million Californians.

FISCALLY RESPONSIBLE—This is a wise investment for safe drinking water and against water shortages. It is fiscally responsible, does not raise taxes, qualifies California for new federal funds and limits administrative costs. If we don't act NOW, the cost will be far higher in the future.

"Every California community needs clean, reliable water. Without Proposition 13, we all face a very uncertain water future."—Assemblyman Michael J. Machado, Chairman, Assembly Committee on Water, Parks and Wildlife

Join the diverse coalition of Californians supporting this water bond:

Association of California Water Agencies
The Nature Conservancy
California Chamber of Commerce
Agricultural Council of California
Audubon Society
League of Women Voters
California Business Roundtable
National Wildlife Federation
California Manufacturers Association
Planning and Conservation League
California State Association of Counties
California State Council of Laborers
Southern California Water Committee
Northern California Water Association

Please vote to protect our quality of life by supporting Proposition 13, the safe drinking water bond and Proposition 12, the parks bond. These measures work together for our economy, our environment and our families' health. We need your YES vote on Propositions 12 and 13.

GOVERNOR GRAY DAVIS

ALLAN ZAREMBERG

President, California Chamber of Commerce

LESLIE FRIEDMAN JOHNSON

Water Program Director, The Nature Conservancy

Rebuttal to Argument in Favor of Proposition 13

Supporters always say that bonds won't increase taxes. How then will the bonds be paid? Taxpayers must pay the principal and interest on these bonds for 30 years. This money comes from our tax dollars. Taxpayers currently pay over \$3 billion per year on existing bond debt.

Let's not forget Proposition 204. Voters approved \$995 million in bonds in November 1996 for the "Safe, Clean, Reliable Water Supply Act." Where did this money go? We were warned about a water crisis then. If they haven't been able to fix the problem with almost a billion dollars, why give them almost \$2 billion more?

Indeed, is there any evidence that our drinking water is unsafe? Or is it just another in a long series of government-sponsored crises designed to extract more money from taxpayers' wallets?

WATER SUPPLIES—Residential customers use only 15% of California's water, but must subsidize agricultural and commercial customers who use 85%. If big water users had to

pay the real cost of their water, prices would fluctuate according to supply, leading to conservation.

POLLUTION CONTROL—Those who pollute our rivers and lakes should be held fully responsible for the damage they do. Taxpayers shouldn't be put on the hook for damages caused by private businesses and individuals.

Please vote to save \$7 BILLION by opposing Proposition 13 and also Proposition 12, the parks bond. These measures work together to waste our tax dollars on a bunch of "pork-barrel" projects.

GAIL K. LIGHTFOOT

Past Chair, Libertarian Party of California

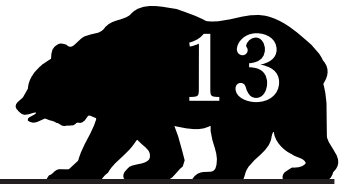
DENNIS SCHLUMPF

Director, Tahoe City Public Utility District

TED BROWN

Insurance Adjuster/Investigator

Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Act.



Argument Against Proposition 13

This is NOT Proposition 13, the legendary 1978 initiative to cut property taxes. This Proposition 13 will cost taxpayers a lot of money.

In an orgy of spending, California legislators passed an \$81 billion budget for Fiscal Year 2000. That's up from \$63 billion just four years ago. There was a \$4 billion budget surplus this year. That money should have been refunded to taxpayers. Each family could have received over \$330 to spend as they chose. But instead, most legislators—Democrat and Republican alike—decided to spend this money on new government programs.

What does this have to do with Proposition 13? If legislators had an extra \$4 billion, why didn't they spend some of it on these projects?

No, they couldn't do that. They had to spend it immediately. Now if voters say "yes" on Proposition 13, these water proposals won't just cost \$1.9 billion. BONDS ALMOST DOUBLE THE COST OF ANY GOVERNMENT PROJECT. Taxpayers will have to pay the interest on these bonds for the next 30 years. At the end, we'll be out about \$3.5 billion.

This proposal would have cost a lot less if it came out of the current budget. But do we need these projects at all?

If you read the fine print, Proposition 13 looks a lot like the "pork barrel" projects the Legislature has passed for years. There's something for just about everyone (everyone who gives a campaign contribution, that is). Here and there a project may be worthwhile, but voters have no way of judging, with so many projects jumbled into the same law.

Of course, some towns benefit from having a powerful legislator. Proposition 13 specifies \$30.5 million for water treatment plants in Manteca, Stockton, Tracy and Orange

Cove, three of which are in the district of Assemblyman Machado, the author of this proposition.

Indeed, since so many local projects are involved, it would seem sensible for people in those communities to decide if they need them, and then determine how to finance them. The lowest cost would be to promote private investment rather than government spending.

Proposition 13 claims it will provide Californians with safe drinking water, flood protection, watershed protection, river habitat protection, water conservation, etc. When has the government ever succeeded in doing any of those things? Most often we hear about government policies CAUSING groundwater contamination, DAMAGING wildlife habitats, and other blunders.

The proposition states that lands acquired with Proposition 13 funds "shall be from a willing seller." We hope this is the case. But too often governments force people to sell their land by use of eminent domain and court-ordered condemnation. Will government officials keep their word?

Send a message to legislators. They should be punished for squandering a hefty budget surplus, instead of refunding it to taxpayers, or even spending it directly on these projects. Please vote NO on Proposition 13.

GAIL K. LIGHTFOOT

Past Chair, Libertarian Party of California

THOMAS TRYON

Calaveras County Supervisor

TED BROWN

Insurance Adjuster/Investigator

Rebuttal to Argument Against Proposition 13

They don't understand.

The signers of the opposition arguments don't seem to understand California water needs.

The need to improve water infrastructure.

They seem unaware of the strains population and age have placed on the water infrastructure constructed by Governors Pat Brown and Ronald Reagan.

The need for new water.

They seem unacquainted with the Department of Water Resources' serious warning about statewide shortages of clean, reliable drinking water—or that the bond creates enough new water for 8 million people.

The need for clean water.

They misjudge "local projects" that, in fact, stop sewage discharges now flowing directly into rivers that 20 million Californians use for their water supply.

THE FACTS:

1. Californians need Prop 13's clean drinking water programs.

2. We have always used bonds to fund infrastructure programs like these.

3. This bond is fiscally prudent. Its matching provisions will also significantly increase private sector and federal water revenue coming into our state.

4. Prop 13 has the strictest provisions ever placed in a California bond to slash administrative costs. Governor Davis will also conduct public audits.

5. The California Taxpayers' Association says if we don't act NOW, the cost will be far higher in the future.

"Prop 13 is the responsible way to protect our drinking water. It's vital to our families, economy and public health."—Senator Jim Costa, Chairman, Senate Agriculture and Water Resources Committee.

Please vote for Proposition 13. Without it, we all face a very uncertain water future.

LARRY MCCARTHY

President, California Taxpayers' Association

JIM COSTA

Chairman, Senate Agriculture and Water Resources Committee

MICHAEL J. MACHADO

Chairman, Assembly Water, Parks and Wildlife Committee



California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

Official Title and Summary Prepared by the Attorney General

CALIFORNIA READING AND LITERACY IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2000.

- This act provides for a bond issue of three hundred fifty million dollars (\$350,000,000) to provide funds for the construction and renovation of public library facilities in order to expand access to reading and literacy programs in California's public education system and to expand access to public library services for all residents of California.
- Appropriates money from state General Fund to pay off bonds.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- State cost of about \$600 million over 25 years to pay off both the principal (\$350 million) and interest (\$250 million) costs on the bonds. Payments of about \$24 million per year.
- One-time local costs (statewide) of \$190 million to pay for a share of library facility projects. Potential additional local operating costs (statewide) ranging from several million dollars to over \$10 million each year.

Final Votes Cast by the Legislature on SB 3 (Proposition 14)

Assembly: Ayes 59	Senate: Ayes 34
Noes 15	Noes 3



Background

For the most part, cities, counties, and special districts pay the costs of operating and building local libraries. These libraries do receive some money from the state and federal government for library operations. For example, in 1999–00 local libraries throughout the state are receiving a total of \$90 million from the state and federal governments for various operating costs. (This represents about 10 percent of the statewide operating costs for public libraries.)

Also, in 1988 state voters approved Proposition 85—a \$75 million general obligation bond measure for grants to local agencies for library facilities (new, expanded, or renovated buildings). Local agencies were required to pay 35 percent of the cost of any project in order to receive a state grant. This program resulted in 24 local projects receiving state grants ranging from around \$300,000 to \$10 million. A total of about \$3 million of the \$75 million is currently available for additional projects.

Proposal

This proposition allows the state to sell \$350 million of general obligation bonds for local library facilities. The state would use these bond funds to provide grants to local governments to: (1) construct new libraries, (2) expand or renovate existing libraries, and (3) provide related furnishings and equipment. This grant program would be similar to the 1988 program. For example, local agencies would again have to pay 35 percent of the project cost.

Bonds. General obligation bonds are backed by the state, meaning the state is required to pay the principal and interest costs on these bonds. State General Fund revenues would be used to pay these costs. These revenues come primarily from state personal and corporate income taxes and the sales tax.

Grant Program. Under the program, local agencies would apply to the state for grants of between \$50,000 and \$20 million. As noted above, the grants could be used either to add new library space or renovate existing space. These funds could *not* be used for (1) books and other library materials, (2) certain administrative costs of the project, (3) interest costs or other charges for financing the project, or (4) ongoing operating costs of the new or renovated facility.

The proposition provides for a six-member state board to adopt policies for the program and decide which local agencies would receive grants. In reviewing local applications, the board must consider factors such as (1) the relative needs of urban and rural areas, (2) library services available to the local residents, and (3) the financial ability of local agencies to operate library facilities.

The proposition also provides for certain priorities for the grant monies. For instance, in considering applications for a *new* library, the state must give first priority to so called “joint use” libraries. These are libraries that serve both the community and a particular school district (or districts). In addition, for *renovation* projects, the state must give first priority to projects in areas where public schools have inadequate facilities to support access to computers and other educational technology.

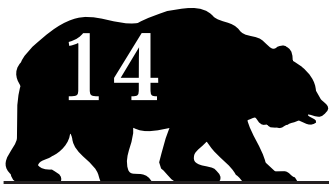
Fiscal Effect

Bond Costs. For these bonds, the state would make principal and interest payments from the state’s General Fund over a period of about 25 years. If the bonds are sold at an interest rate of 5.5 percent (the current rate for this type of bond), the cost would be about \$600 million to pay off both the principal (\$350 million) and interest (\$250 million). The average payment would be about \$24 million per year.

Local Cost to Match State Funds. As mentioned above, in order to receive a state grant a local agency must provide 35 percent of the project cost. Thus, on a statewide basis local agencies would need to spend \$190 million. The cost would vary by local agency depending on the cost of their specific project.

Costs to Operate New Library Facilities. Local agencies that build new or expand existing libraries would incur additional operating costs. This proposition would probably result in a significant expansion of facilities throughout the state. Once these projects are completed, local agencies would incur additional operating costs (statewide) ranging from several million dollars to possibly over \$10 million annually.

For text of Proposition 14 see page 113



California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

Argument in Favor of Proposition 14

Proposition 14 is an investment in literacy, learning and libraries.

Our public libraries have always served as centers of lifelong learning and literacy. Libraries provide a safe place for students to study and complete homework assignments, and for adults to gain practical skills through a variety of adult learning programs.

When it comes to literacy, California fourth grade students ranked next to last on the 1998 National Assessment of Educational Progress. Adult illiteracy hurts our economic competitiveness, and family illiteracy is often passed from generation to generation.

Proposition 14 funds can be used to build new libraries, renovate inadequate facilities, provide state-of-the-art equipment, improve study conditions and create a safe, comfortable environment for users.

Proposition 14 can fund new libraries and renovate existing facilities.

As California's population continues to climb, library visits have skyrocketed, causing an already underfunded system to deteriorate rapidly.

Many communities have no local libraries in areas where the population has grown significantly. The lack of access makes it difficult for children and people with limited mobility to take advantage of important services such as children's story hours, student reading programs, and services for seniors and the disabled.

Many of our libraries are either completely antiquated, or in need of significant remodeling. Facilities often lack the basics such as enough tables and chairs and books and materials for study and research for all library users.

Proposition 14 returns money to local communities.

This bond can fund 65% of each approved project. Since this state funding will be available to renovate and remodel existing facilities or build new libraries, available local funds could be freed up to extend library hours, buy more books, expand

reading programs, increase library visits to local schools, or offer more adult learning opportunities.

Proposition 14 is a necessary investment in our future without raising taxes.

A State Library study shows California will need to complete 425 library projects over the next few years to meet current needs. While Proposition 14 will not fund the number of projects identified by that study, the combination of 65% state funding and 35% local participation means Proposition 14 maximizes the effectiveness of these critical resources.

Proposition 14 puts money into vital needs, not administrative overhead.

By law, not one penny of this bond money can be used by local government for administrative costs. Libraries can construct homework centers for students, upgrade electrical and telecommunications systems to accommodate computers and expand literacy centers and facilities for children's reading programs.

Proposition 14 provides funding to school and library partnerships.

By strengthening the partnership between libraries and schools, Proposition 14 is a critical element in achieving California's literacy goals and for strengthening our entire educational system.

Priority funding will go to projects where schools and libraries are working together.

FOR LIBRARIES, LITERACY AND LIFELONG LEARNING, VOTE YES ON PROPOSITION 14!

STATE SENATOR RICHARD K. RAINEY
Chair, Senate Local Government Committee

STATE SENATOR DEIRDRE W. ALPERT
Chair, Senate Education Committee

GAIL DRYDEN
President, League of Women Voters of California

Rebuttal to Argument in Favor of Proposition 14

Before we ask the taxpayers to fork out \$350,000,000 (approximately \$675,000,000 with interest) for new libraries, WE SHOULD INSIST THAT OUR TAX DOLLARS KEEP OUR CURRENT LIBRARIES OPEN A DECENT NUMBER OF HOURS.

The argument in favor of Proposition 14 states, "Libraries provide a safe place for students to study and complete homework assignments, and for adults to gain practical skills through a variety of adult learning programs."

The problem is, our current libraries aren't open long enough for students or working adults to use them.

A random sampling of over 100 county libraries throughout California indicates that libraries are rarely open—averaging ONLY FIVE HOURS A DAY. Few libraries are open on Saturday and Sunday. Their limited weekday hours are in the middle of the day, when children are in school and adults are at work. Therefore, taxpayers who wish to use libraries cannot do so. Yet, those same taxpayers are forced to pay the bill.

Rather than spend borrowed money on library buildings that

won't be used, we need to explore different ways to deliver the same services.

With the Internet, expanded-hour private bookstores, and virtual schools, many opportunities for research and training already exist. And they don't require intensive, large scale construction of government buildings with borrowed money. These government buildings may be obsolete in 10 years, but we will be paying them off for 30 years. Is that a good use of taxpayer dollars?

For a listing of library hours and internet links, visit www.rayhaynes.org/bonds.html

RAY HAYNES
California Senator

LEWIS K. UHLER
President, The National Tax-Limitation Committee

CARL MCGILL
Chairman, Black Chamber of Commerce of Los Angeles County

California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.



Argument Against Proposition 14

Why does our Legislature squander our taxes on bloated, special interest programs, then borrow money to pay for the important things, like libraries?

Last year, the Legislature was faced with a budget surplus of over \$4,300,000,000—more than twelve times the amount of this bond. The Legislature decided to spend the money on “pork” projects and increased welfare programs, including benefits for illegal aliens. State government spending increased by almost 10% in a single year! Now, with state revenues at an all-time high, they want to go into debt and spend your grandchildren’s money on libraries. Only your “NO” vote on Proposition 14 can stop them.

Bonds are the most expensive way to build or renovate libraries. The interest and fees paid to bankers, lawyers and bureaucrats will nearly double the cost of these libraries. In other words, we can afford to build twice as many libraries by spending the tax money that the state has already collected. In desperate economic times, it might be necessary to borrow money for an important state project. But there is no excuse for borrowing money in good times. Taxpayers will be stuck paying for these bonds, and the interest on them, for three decades, even if the economy collapses.

With new computer technology and the growth of the Internet, the library improvements funded by this bond may be obsolete in five years. It does not make sense to spend our grandchildren’s money on the “horse and buggy” technology that this bond would fund. We will still be paying for these bonds decades from now, even if the improvements are obsolete.

Information can be retrieved and exchanged much more conveniently—and at a much lower cost—through the Internet. This bond is actually more expensive than offering FREE Internet service to every school child in California! Is this a wise use of our tax dollars?

Does your city or county have a surplus? Under the terms of this bond, local governments will not receive a penny of the bond money unless they provide 35% matching funds for each project. *Unless you live in a wealthy community with surplus cash to pay for library renovation, you won’t see a penny of this bond money, but you will still have to pay for it.*

We are already on the hook for \$36,900,000,000 for bonds that have been previously approved for other projects. Our state is so far in debt that we have the third worst credit rating in the entire country. With each new bond, we risk lowering our credit rating even further. We have to say “NO” to more borrowing. We have to demand that the Legislature pay for these important projects with the taxes we pay now, not the taxes that our grandchildren will pay later. The only way to do that is to say NO to Proposition 14.

RAY HAYNES

California Senator

LEWIS K. UHLER

President, The National Tax-Limitation Committee

CARL MCGILL

*Chairman, Black Chamber of Commerce of
Los Angeles County*

Rebuttal to Argument Against Proposition 14

The argument against Proposition 14 does nothing to change the facts.

Proposition 14 was placed on the ballot with overwhelming support from Republicans and Democrats in the State Senate and Assembly, because it is an important part of our effort to improve literacy and learning.

Children are introduced to reading, and adults improve reading skills, through the world of books. Despite the explosion of interest in the Internet, library usage continues to grow at extraordinary rates. A State Library study shows California needing 425 library projects over the next few years just to meet current demand.

In addition, Proposition 14 maximizes local tax dollars. Qualified local projects will receive up to 65% of their funding from the state, preserving local money for books, hours and programs.

Examine the facts:

FACT: Proposition 14 is an investment in learning and literacy.

FACT: Proposition 14 does not increase state or local taxes.

FACT: Proposition 14 funds cannot be used by local government for administrative costs.

FACT: Proposition 14 returns money to local communities.

FACT: Proposition 14 provides priority funding to school/library partnerships.

The California Teachers Association says that Proposition 14 is an important part of efforts to improve student performance.

The California Organization of Police and Sheriffs supports Proposition 14, because libraries provide safe environments for students’ after-school study.

Lt. Governor Cruz Bustamante supports Proposition 14, because it encourages schools and libraries to work together.

For Libraries, Literacy and Lifelong Learning, Vote Yes On Proposition 14.

LINDA CROWE

President, California Library Association

DON BROWN

*President, California Organization of Police and
Sheriffs*

LOIS WELLINGTON

President, Congress of California Seniors



The Hertzberg-Polanco Crime Laboratories Construction Bond Act of 1999.

Official Title and Summary Prepared by the Attorney General

THE HERTZBERG-POLANCO CRIME LABORATORIES CONSTRUCTION BOND ACT OF 1999.

- Provides for a bond issue of two hundred twenty million dollars (\$220,000,000) to provide funds for a program for the construction, renovation, and infrastructure costs associated with the construction of new local forensic laboratories and the remodeling of existing local forensic laboratories.
- Creates Forensic Laboratories Authority to consider and approve applications for construction and renovation of forensic laboratories.
- Appropriates money from General Fund to pay off bonds.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- State costs of about \$377 million over 25 years to pay off both the principal (\$220 million) and interest (\$157 million) costs of the bonds. Payments of about \$15 million per year.
- One-time costs of about \$20 million to local governments to match state funds.
- Unknown annual costs to local governments to support crime laboratories, potentially in the millions of dollars.

Final Votes Cast by the Legislature on AB 1391 (Proposition 15)

Assembly: Ayes 65	Senate: Ayes 35
Noes 12	Noes 3



Background

After a crime has been committed, law enforcement officials usually send the collected evidence (such as fingerprints and blood samples) to laboratories which are responsible for collecting, analyzing, and interpreting this evidence. These laboratories are known as “forensic crime laboratories.” Services provided by these laboratories range from fingerprint examination and drug analyses to more complicated tasks such as DNA testing.

California’s cities and counties operate 19 local crime laboratories that provide services to cities and counties representing almost 80 percent of the state’s population. The remaining cities and counties generally receive services from crime laboratories operated by the state Department of Justice.

Cities and counties pay to support their own crime laboratories. Funding is supplemented by fees and fines collected from persons convicted of certain drug and alcohol offenses.

Proposal

This measure allows the state to sell \$220 million in general obligation bonds for local crime laboratories. The money raised from the bond sales would be used for the construction, renovation, and infrastructure costs of these laboratories. General obligation bonds are backed by the state, meaning that the state is required to pay the principal and interest costs on these bonds. General Fund revenues would be used to pay these costs. These revenues come primarily from the state personal and corporate income taxes and sales tax.

A new seven-member Forensic Laboratories Authority created by the measure, would consider applications and award the bond monies to local governments for the construction of new laboratories and the renovation of

existing laboratories. The measure specifies that members of the authority include the Attorney General, the director of the state’s laboratories, and five members appointed by the Governor.

In order to receive bond monies, a local government must provide 10 percent of total project costs (this provision could be modified or waived by the Legislature). The governing body of the local government (such as the city council or the county board of supervisors) must also agree to pay the ongoing operating costs of the laboratory. In addition, the project would have to comply with state or local contract and bidding requirements.

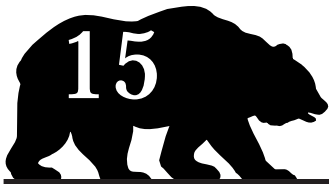
Fiscal Effect

State Bond Costs. For these bonds, the state would make principal and interest payments from the state’s General Fund over a period of about 25 years. If the bonds are sold at an interest rate of 5.5 percent (the current rate for this type of bond), the cost would be about \$377 million to pay off both the principal (\$220 million) and the interest (\$157 million). The average payment would be about \$15 million per year.

Cost to Local Governments. The measure could result in additional costs to local governments that receive bond funds. First, the measure could result in one-time costs to these local governments for the 10 percent share of the costs of a construction or renovation project. These one-time costs would be in the range of about \$20 million on a statewide basis.

Second, to the extent that local governments construct new or expanded crime laboratories as a result of the measure, they could also incur additional ongoing costs to operate the facilities. The magnitude of these additional costs is unknown, but is potentially in the millions of dollars annually on a statewide basis.

For text of Proposition 15 see page 114



The Hertzberg-Polanco Crime Laboratories Construction Bond Act of 1999.

Argument in Favor of Proposition 15

REPAIRING DETERIORATING, OUTDATED CRIME LABS WILL ENSURE THAT MORE CRIMINALS ARE IDENTIFIED, CAUGHT, CONVICTED AND PUNISHED. PROPOSITION 15 IS AN INVESTMENT IN JUSTICE. THESE CRIME-SOLVING FUNDS WILL BE USED TO:

- Improve DNA tests, which identify criminals.
- Speed up the analysis of crime evidence to reduce the number of murderers and rapists who go free.
- Provide improved equipment to identify blood alcohol content and reduce the number of drunk drivers on the street.
- Improve the analysis of evidence so fewer innocent people are charged with crimes.

"Updating crime labs will result in the positive identification of more rapists and murderers who are currently going free."
Crime Victims United of California.

PROPOSITION 15 PROVIDES FOR TAXPAYER SAFEGUARDS:

- Money cannot be used to pay administrators' salaries.
- An independent Forensics Laboratories Authority will be created to ensure money is spent efficiently where it is needed.
- Crimes solved faster will save taxpayers' money spent in lengthy trials.
- This measure will not increase taxes.
- An independent annual audit will ensure funds are spent efficiently.

"Crime labs need updated technology to process evidence rapidly in order to prosecute criminals and exonerate the innocent faster." Tom Torlakson, Member, California State Assembly Information Technology Budget Subcommittee.

MODERN HIGH TECH CRIME LABS ARE ESSENTIAL TO LAW ENFORCEMENT'S ABILITY TO QUICKLY SOLVE CRIMES:

- Updated crime labs will increase the speed with which crimes are solved.
- Proposition 15 will provide high tech equipment to examine and identify DNA, toxicology, blood typing, bodily fluids from sexual assaults, drugs, ballistics, arson and explosives.
- Renovated crime labs will provide independent, unbiased information.
- Proposition 15 will relieve overcrowding and prevent

criminals from going free because of backlogs at crime labs.

UPDATING AND REPAIRING CRIME LABS IS CRUCIAL TO LOCAL SHERIFFS AND POLICE FOR QUICKER APPREHENSION AND PROSECUTION OF CRIMINALS.

- The California State Auditor says: "Without adequate facilities, laboratories may experience a greater risk of evidence contamination, compromised efficiency . . . and health and safety problems . . . the degree of severe overcrowding in the laboratories is of major concern."
- Almost two-thirds of California's crime labs are in disrepair or out-of-date.
- Proposition 15 will give local police and sheriffs modern high tech crime-solving equipment and repair deteriorating crime labs.
- Money from Proposition 15 will be distributed to local law enforcement agencies throughout the state.

CALIFORNIA'S CRIME FIGHTERS, AMONG MANY OTHERS, SUPPORT PROPOSITION 15:

California Police Chiefs Association
Attorney General Bill Lockyer
California Association of Crime Lab Directors
Assembly Member Bob Hertzberg, former chair Assembly Public Safety Committee
California State Sheriffs Association
California Union of Safety Employees
California Peace Officers Association
Senator Richard Polanco, chair

Joint Committee on Prison Construction & Operations

The need to repair and update overcrowded deteriorating crime labs is critical. Vote YES to improve the analysis of evidence to solve crimes faster, prevent criminals from going free and protect those who are innocent. Vote YES for public safety. Join us and Vote YES on Proposition 15.

GRAY DAVIS

Governor of California

WILLIAM J. HEMBY

California Organization of Police & Sheriffs

DANIEL A. TERRY

President, California Professional Firefighters

Rebuttal to Argument in Favor of Proposition 15

Bond supporters always say that the measure will not increase taxes. How then will the bonds be paid? Taxpayers must pay the principal and interest on the bonds for 30 years. This money comes from our tax dollars. Taxpayers are currently paying over \$3 billion per year on existing bond debt.

Of course our police departments should have access to the newest, state-of-the-art facilities to run tests. Too often we see news reports that crime labs take weeks to produce results. But is spending \$395 million of the taxpayers money over 30 years the best way to accomplish this?

We believe that the private sector can better help police departments with these vital services. Even now there are numerous private companies performing the same laboratory tests. Unlike government agencies, private companies have a motive to perform. And if they want more business, they will do their work accurately, quickly and inexpensively.

Proposition 15 is bureaucracy in action. The government has

the tedious steps to put this measure on the ballot, plan several months of campaigning for it and then wait while the bonds are sold and the proceeds slowly work their way into various communities. Instead, legislators could have urged local police departments to hammer out contracts with private firms to immediately start providing high-tech services.

Indeed, Proposition 15 could delay lab analysts from coming up with results our police investigators need, while the wheels of the bond process slowly grind. Please vote NO.

GAIL K. LIGHTFOOT

Past Chair, Libertarian Party of California

THOMAS TRYON

Calaveras County Supervisor

TED BROWN

Insurance Adjuster/Investigator

The Hertzberg-Polanco Crime Laboratories Construction Bond Act of 1999.



Argument Against Proposition 15

In an orgy of spending, California legislators passed an \$81 billion budget for Fiscal Year 2000. That's up from \$63 billion just four years ago. There was a \$4 billion budget surplus this year. That's money that should have been refunded to taxpayers. In fact, each family could have received over \$330 to spend as they chose. But instead most of our legislators—Democrat and Republican alike—found ways to spend this money on new government programs.

What does this have to do with Proposition 15? Well, if the legislators had an extra \$4 billion to play around with, why didn't they spend a relatively paltry \$220 million of it (about 5.5% of the surplus) on the proposed forensics laboratories—and save us more election costs?

No, they couldn't do that. They had to spend it immediately. Now if voters say "yes" on Proposition 15, the forensic laboratories won't just cost \$220 million. BONDS ALMOST DOUBLE THE COST OF ANY GOVERNMENT PROJECT. Taxpayers will have to pay the interest on these bonds for the next 30 years. So, at the end, we'll be out about \$395 million.

So we see that this proposal would have cost a lot less if it was paid for out of the current budget. But let's ask: should California taxpayers be financing new local forensics labs and even remodeling older ones?

Forensics labs help police officers and prosecutors prove their cases with physical evidence. This includes crime scene reconstruction, DNA testing, fingerprinting, handwriting analysis, studying forged documents, and audio and videotape analysis. An internet search shows that there are numerous private companies already performing these same services.

They are used by defense attorneys, or even by the government to assist public employees. For this reason, it would be much more economical to privatize these functions and send out all such work to private labs. Indeed, lab analysts currently employed by local governments would be in great demand at the private firms.

Even if we concede that California taxpayers should pay for forensics labs, it doesn't seem as if such facilities should take up enough room to warrant a separate building. The lab could be part of the local police station—or could even rent space in a privately-owned industrial park or other commercial building.

Whenever the government is involved in a building project, it costs a lot more than a private enterprise project. Governments require an expensive approval process, then require contractors to pay the prevailing union wage for construction, more than what the low bidder would pay. The losers: the taxpayers.

Send a message to legislators. There are alternatives to spending tax money on new forensics labs. There also should be some punishment for squandering a hefty budget surplus, instead of refunding it to taxpayers, or even spending it on this relatively small project. Please vote NO on Proposition 15.

GAIL K. LIGHTFOOT

Past Chair, Libertarian Party of California

THOMAS TRYON

Calaveras County Supervisor

TED BROWN

Insurance Adjuster/Investigator

Rebuttal to Argument Against Proposition 15

We're glad the opponents agree that "forensic labs help police officers and prosecutors prove their cases" By updating and repairing crime labs, we can ensure that more criminals are identified, caught, convicted and punished and that fewer innocent people are charged with crimes.

Law enforcement says the opponents are misleading voters and opponents' arguments are not accurate. There is only a handful of private crime labs in California and these are used to crosscheck and provide second opinions in questionable cases. That's why police, sheriffs, and firefighters say we need to update and repair forensic crime-solving labs. Would you rather trust the opponents or your local law enforcement when it comes to fighting crime?

Proposition 15 will save taxpayers' money in the long run. If we improve the analysis of evidence, we save money by reducing the time it takes to solve crimes and shortening the length of trials.

If it were the opponents' father who was murdered, sister

who was raped, or child killed by a drunken driver, we believe there would be no argument against Proposition 15. How can anyone who cherishes freedom not also believe in pursuing all means to swift and fair justice? *Proposition 15 will give local law enforcement updated technology to increase the speed at which crimes are solved.*

THE NEED TO REPAIR AND UPDATE OVERCROWDED DETERIORATING CRIME LABS IS CRITICAL. WE URGE YOU TO VOTE YES ON PROPOSITION 15.

CHARLES C. PLUMMER

President, California State Sheriffs Association

DANIEL A. TERRY

President, California Professional Firefighters

TOM TORLAKSON

Member, California State Assembly Information Technology Budget Subcommittee



Veterans' Homes Bond Act of 2000.

Official Title and Summary Prepared by the Attorney General

VETERANS' HOMES BOND ACT OF 2000.

- This fifty million dollar (\$50,000,000) bond issue will provide funding to the Department of Veterans Affairs for the purpose of designing and constructing veterans' homes in California and completing a comprehensive renovation of the Veterans' Home at Yountville.
- Funds from this bond shall be allocated to fund the state's matching requirement to construct or renovate those veterans' homes in Military and Veterans Code section 1011 first, and then fund any additional homes established under this Act.
- Appropriates money from General Fund to pay off bonds.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Net state cost of about \$33 million over 25 years to pay off \$26 million in additional bonds. The average cost would be around \$1 million per year.

Final Votes Cast by the Legislature on SB 630 (Proposition 16)

Assembly: Ayes 76	Senate: Ayes 32
Noes 4	Noes 0



Background

The state Department of Veterans Affairs operates two residential homes for veterans—one at Yountville, Napa County and the other at Barstow, San Bernardino County. The Yountville home has the capacity to house 1,421 veterans, and Barstow can house 400. These facilities provide residential services, nursing, and medical care primarily for elderly or disabled California veterans. The cost to construct new or renovate existing veterans' homes is generally shared between the state (35 percent) and the federal government (65 percent).

Existing law authorizes the use of \$36 million of lease-payment bonds for the state's share of the cost to construct three new homes in Southern California. One of these homes is under construction at Chula Vista, San Diego County. This home, which is planned to open by April 2000, will be able to house 400 veterans. The two other homes are to be constructed at Lancaster, Los Angeles County, and Saticoy, Ventura County.

Proposal

This proposition authorizes the state to sell \$50 million of general obligation bonds to pay the state's share of the cost for construction and renovation of new and existing veterans' homes. General obligation bonds are backed by the state, meaning that the state is required to pay the principal and interest costs on these bonds. General Fund revenues would be used to pay these costs. These revenues come primarily from state personal and corporate income taxes and the sales tax.

Uses of the Bonds. The \$50 million in bonds would be used for two purposes:

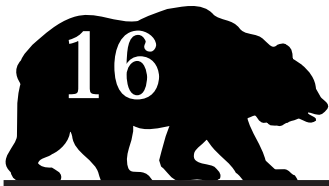
- First, \$24 million would replace lease-payment bonds currently available for veterans' homes. Lease-payment bonds are similar to general obligation bonds in that General Fund revenues are used to pay off the bonds. Lease-payment bonds, however, are more costly because they have higher interest rates and selling costs.
- Second, the remaining \$26 million in general obligation bonds would be available for (1) additional new veterans' homes (that is, beyond the three new homes in Southern California) and/or (2) renovation of existing homes.

Fiscal Effects

Bond Costs. This proposition would affect the state's cost in two ways. Most significantly, it allows \$26 million in additional bonds. The cost of repaying these bonds would be offset by some savings from the replacement of higher-cost lease-payment bonds with general obligation bonds. We estimate that the net impact would be costs of about \$33 million over a 25-year period. The average cost would be around \$1 million per year.

Operating Costs. To the extent that the bond funds are used to add beds at new or existing veterans' homes, state operating costs for these homes would increase to care for additional veterans.

For text of Proposition 16 see page 116



Veterans' Homes Bond Act of 2000.

Argument in Favor of Proposition 16

Not all state problems are measured in the billions. Proposition 16 asks for your support for \$50 million in bonds to pay the state's share of retirement homes for United States military veterans who are California residents.

These veterans fought for our country in World War II, Korea, Vietnam and other hotspots around the globe. They put their lives on the line in defense of this country. It is our obligation to make sure they have a place to live if they can no longer care for themselves.

Proposition 16 will not raise your taxes. The bonds will be paid from taxes already being collected. No new taxes will be raised or collected to fund this bond act.

Proposition 16 will pay the state's share to build two new veterans' retirement homes that have been approved for construction by the state of California.

Proposition 16 will rehabilitate the 100-year old Veterans Home at Yountville.

Proposition 16 will build a special treatment center to treat veterans with dementia problems like Alzheimer's disease.

Proposition 16 is supported by the American Legion, the Veterans of Foreign Wars and other state veterans' organizations, as well as AARP and service and civic groups. It passed overwhelmingly in the state Assembly and Senate.

We believe that Proposition 16 meets the needs of the U.S. military men and women who served this nation with distinction.

Please vote "yes" for our veterans. Vote "yes" on Proposition 16.

We appreciate your consideration.

GRAY DAVIS
Governor, State of California

JOHN McCain
U.S. Senator, Arizona

JOE DUNN
State Senator, 34th District

Rebuttal to Argument in Favor of Proposition 16

Bond supporters always say that the measure will not increase taxes. How then will the bonds be paid? Taxpayers must pay the principal and interest on the bonds for 30 years. This money comes from our tax dollars. Taxpayers are currently paying over \$3 billion per year on existing bond debt.

As the governor tells it, Proposition 16 is small potatoes. \$50 million gets lost in a state with a budget of \$81 billion. Indeed, there are dozens of appropriations just like this one. That's why we're baffled why the legislators and the governor didn't just pay the \$50 million out of the state budget. Since bond financing almost doubles the cost of any government project, it seems like they are purposely trying to cost taxpayers more than necessary.

We agree that our veterans are deserving of respect. If indeed we seek a place for elderly or infirm veterans to live, it would be a lot less expensive to place them in private retirement homes and hospitals. The government could contract with existing facilities—not build new ones.

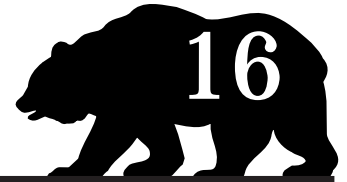
Of course, all of the veterans organizations support this. Of course, almost every legislator voted for it. After all, it's easy to cast a "pro-veteran" vote. But when will our legislators be really courageous—and cast a pro-taxpayer vote?

GAIL K. LIGHTFOOT
Past Chair, Libertarian Party of California

LARRY HINES
U. S. Marine Corps veteran

TED BROWN
Insurance Adjuster/Investigator

Veterans' Homes Bond Act of 2000.



Argument Against Proposition 16

In an orgy of spending, California legislators passed an \$81 billion budget for Fiscal Year 2000. That's up from \$63 billion just four years ago. There was a \$4 billion budget surplus this year. That's money that should have been refunded to taxpayers. In fact, each family could have received over \$330 to spend as they chose. But instead most of our legislators—Democrat and Republican alike—found ways to spend this money on new government programs.

What does this have to do with Proposition 16? Well, if the legislators had an extra \$4 billion to play around with, why didn't they spend a relatively paltry \$50 million of it (about 1.25% of the surplus) on the proposed veterans homes—and save us more election costs?

No, they couldn't do that. They had to spend it immediately. Now if voters say "yes" on Proposition 16, the veterans homes won't just cost \$50 million. BONDS ALMOST DOUBLE THE COST OF ANY GOVERNMENT PROJECT. Taxpayers will have to pay the interest on these bonds for the next 25 years. So, at the end, we'll be out about \$90 million.

So we see that this proposal would have cost a lot less if it was paid for out of the current budget. But let's ask: do we really need to build these veterans homes at all?

The federal government, under the Department of Veterans Affairs, provides generous benefits to our veterans—from medical care, to job training, to college education, to no money down home loans. There's really no need for the State of California to provide any veterans benefits.

There are 1525 veterans currently staying at veterans homes in Yountville and Barstow. This is not a big number. Proposition 16 seeks funds to build even more of these small facilities. It's highly likely that these veterans receive a pension from the federal government, and perhaps from a career subsequent to their military service. Should California taxpayers be providing them with shelter? It seems as if they and their families could arrange this privately.

Even if we concede that California taxpayers should pay to house veterans, the veterans could stay at privately-owned retirement facilities. Whenever the government is involved in a building project, it costs a lot more than a private enterprise project. Governments require an expensive approval process, then require contractors to pay the prevailing union wage for construction, which is more than the low bidder would pay. The losers: the taxpayers.

Send a message to legislators. There are alternatives to spending tax money on veterans homes. There also should be some punishment for squandering a hefty budget surplus, instead of refunding it to taxpayers, or even spending it on this relatively small project. Please vote NO on Proposition 16.

GAIL K. LIGHTFOOT
Past Chair, Libertarian Party of California

TED BROWN
Insurance Adjuster/Investigator

LARRY HINES
U. S. Marine Corps Veteran

Rebuttal to Argument Against Proposition 16

Pearl Harbor, Iwo Jima, Omaha Beach, Utah Beach, Battle of the Bulge, Inch'on, Khe Sanh, Kuwait, Bosnia, Kosovo.

These are some of the battle sites where U.S. military veterans took up arms in defense of Democracy.

Our friends, buddies and relatives fought the enemies of this great country on foreign soil. Hundreds of thousands did not return. Millions were wounded in battle, many seriously.

Those of us who came home alive returned with a heavy heart for comrades in arms who did not return with us. But we also returned with a deep sense of pride and accomplishment.

Proposition 16 is about those who lived, those of us who risked our lives and returned to help build this great state and country. This bond measure is about us—and the more than three million U.S. veterans in this state who we represent.

We do not ask much. But we do ask you, the voter, to think about the freedoms you enjoy because of veterans who did their duty and put their lives in jeopardy so that we could all live free.

We answered the call when our country needed our help. We now ask you to consider supporting this modest measure to build veterans' homes for aging veterans who can no longer care for themselves.

Proposition 16 will not raise your taxes. No new taxes will be raised or collected to fund this measure.

We appreciate your support and consideration. Please vote "yes" on Proposition 16.

WILLY WILKIN
California State Commander of the American Legion

RICHARD EUBANK
California State Commander, Veterans of Foreign Wars

GEORGES ROBIN
California Legislative Officer, Military Order of the Purple Heart



Lotteries. Charitable Raffles. Legislative Constitutional Amendment.

Official Title and Summary Prepared by the Attorney General

LOTTERIES. CHARITABLE RAFFLES. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

- Modifies current constitutional prohibition against private lotteries to permit legislative authorization of raffles conducted by eligible private nonprofit organizations for the purpose of funding beneficial and charitable works.
- Requires at least 90% of a raffle's gross receipts to go directly to beneficial or charitable purposes in California, but permits this percentage to be later amended by statute passed by two-thirds vote of each house without voter approval.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Probably no significant fiscal impact on state and local governments.
-

Final Votes Cast by the Legislature on SCA 4 (Proposition 17)

Assembly: Ayes 62	Senate: Ayes 31
Noes 10	Noes 3



Background

A lottery is a game where a person pays for a chance to win a prize. The State Constitution authorizes the California State Lottery, but prohibits any other lottery. (Under federal law, however, Indian tribes can negotiate with the state to operate lotteries on tribal lands.)

Raffles are often held by charitable groups and usually involve the selling of tickets for a chance to win prizes. ("Door prizes" are a common form of raffle.) Raffles that require payment for a chance to win a prize are a form of lottery and, thus, are illegal under state law.

Charitable Gambling in California. Charitable gambling serves as a fund-raiser for nonprofit organizations. In California, bingo is the only legal gambling activity for charity fund-raising. Organizations operating bingo games must do so in keeping with state and local laws. In general, these laws specify when, where, and at what times bingo games can be operated.

Proposal

This proposition amends the State Constitution to allow private nonprofit groups to conduct raffles under certain conditions. To qualify, at least 90 percent of the gross receipts from the raffle must go directly to charitable purposes in California. (This percentage could be changed with a two-thirds vote of the Legislature and approval by the Governor.) Also, the proposition specifies

that any person who receives compensation in connection with the operation of a raffle must be an employee of the organization conducting the raffle.

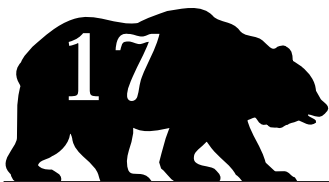
Raffles could not be conducted unless a law is subsequently adopted specifically authorizing these charitable raffles. The law could also (1) define which organizations were eligible to conduct such raffles and (2) provide for "reasonable regulation" of these raffles, including regulatory fees.

Fiscal Effect

This proposition would only have a fiscal impact on the state or local governments if these raffles are subsequently authorized by law. If that occurs, the proposition would have some—mainly indirect—effects on state and local revenues. For instance, if the level of gambling on raffles grew significantly, that might reduce other types of gambling—such as the State Lottery and horse racing. These types of gambling are taxed by the state, so revenues could decline somewhat. At least in the near term, however, we estimate that the proposition would not have a significant state or local impact on governmental revenues.

In addition, the state could require regulation of these raffles. These costs, which would not be significant, could be paid for by regulatory fees.

For text of Proposition 17 see page 117



Lotteries. Charitable Raffles. Legislative Constitutional Amendment.

Argument in Favor of Proposition 17

Most Californians are familiar with raffles. Our children sell tickets to raise money for sports leagues, historical societies raffle items to preserve historically significant sites, churches raffle prizes to support their congregations, parent groups hold raffles to support their children's schools. Many of these harmless activities violate the California Penal Code and State Constitution prohibition on raffles. In fact, any person or organization that conducts a traditional raffle commits a misdemeanor crime, punishable by up to six months in jail. Only the State of California raffle, which is better known as the State Lottery, is exempt from the ban.

When local police or prosecutors have knowledge of a charitable raffle, they are placed in the position of either shutting down a legitimate, albeit illegal fundraiser, or "looking the other way" and not enforcing the criminal law. This is an unworkable and unfair situation, which hurts legitimate charities and invites law enforcement to play favorites. Both of these concerns will be corrected by Proposition 17.

If a majority of the voters approve Proposition 17, the ban on raffles by charitable nonprofit organizations will be removed from the State Constitution. Once that happens, the State Legislature will be able to change the Penal Code so that charitable nonprofit organizations will be able to legally conduct a fundraising raffle. The legislation to remove the charitable raffle ban from the Penal Code and regulate their conduct (Senate Bill 639)

has been introduced and is being held in the State Legislature pending this vote by the People.

Only charitable non-profits will be able to use raffles as a legal fundraiser if Proposition 17 passes. The types of charities that will benefit from this proposition include those that raise money for scholarships, medicine and health, parks and wildlife preserves, libraries, food banks, religious organizations, and art. No commercial raffling would be allowed.

Major non-profit organizations in California, as well as law enforcement leaders and organizations back Proposition 17. Some of those groups include the California Association of Nonprofits, the California Broadcasters Association, the California District Attorneys Association, California Literacy, the California State Sheriffs Association, the John XXIII AIDS Ministry, and the State Humane Association of California.

The time has come to legalize well-meaning charitable raffles for California non-profit organizations. Vote "yes" on Proposition 17.

BRUCE McPHERSON
State Senator, 15th District

DEAN D. FLIPPO
District Attorney, County of Monterey

FLORENCE L. GREEN
Executive Director, California Association of Nonprofits

Rebuttal to Argument in Favor of Proposition 17

We teach our children that there is a RIGHT WAY and a WRONG WAY to do everything. The same is true with ideas for new laws.

Proposition 17 is the WRONG WAY to operate charitable raffles and lotteries. Proposition 17 is a professional gambling operator's dream hiding behind an ill-conceived "law and order" smoke screen.

For more than a decade, special interests have repeatedly attempted to muscle this scheme through the Legislature and onto the ballot. This year the special interests won with the politicians, placing Proposition 17 on the ballot.

DON'T BELIEVE promises of future legislation to regulate raffles. The politicians could have done that a year ago, but DIDN'T. And they WON'T. Protections and controls ARE NOT in Proposition 17.

Proposition 17 allows PHONY charities, scams and swindles to EXPLOIT honest people.

Proposition 17 INVITES crime, corruption and money laundering to our state.

Proposition 17 HURTS legitimate charities and will siphon big money into the pockets of professional gambling operators.

Don't believe claims that charitable raffles are against the law. CALIFORNIA COURTS HAVE RULED EXISTING LEGITIMATE CHARITABLE RAFFLES AND "CASINO NIGHTS" ARE LEGAL.

There is no need to FIX what ISN'T broken. California's laws on raffles and lotteries work as well today as they have for the last 100 years.

DON'T INVITE CRIME TO CALIFORNIA.

DON'T HURT CHARITIES.

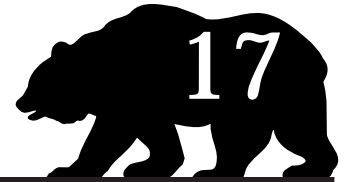
VOTE "NO" on Proposition 17. It is a dangerous scheme that will HURT charities.

SENATOR DICK MOUNTJOY

MELANIE MORGAN
Recovering Compulsive Gambler

ART CRONEY
Executive Director, Committee on Moral Concerns

Lotteries. Charitable Raffles. Legislative Constitutional Amendment.



Argument Against Proposition 17

Proposition 17 would allow professional gambling organizations to run private raffles and lotteries.

Don't fall for the line that charitable raffles are presently illegal. Our Constitution and the courts have spelled out how to conduct legal charitable raffles.

Raffles and casino nights have been legally used by legitimate charities for raising funds for decades. The existing law is over 100 years old. No one has been prosecuted for this beneficial, entertaining method of raising funds to help children, hospitals, libraries, or a multitude of other legitimate charities.

Without limits and regulations, Proposition 17 will create the biggest gambling headache Californians have ever seen. What is now a harmless social activity will be taken over by professional gambling operators.

- Proposition 17 DOES NOT regulate buying or selling tickets by minors.
- Proposition 17 DOES NOT require criminal background checks on professional raffle operators.
- Proposition 17 DOES NOT require audits to ensure that funds actually go to charities.
- Proposition 17 DOES NOT prevent phony charities from selling tickets over the Internet.
- Proposition 17 DOES NOT prevent private lotteries from being big enough to compete with the State Lottery, diminishing funds for education.
- Proposition 17 DOES NOT prevent continuous raffles, without a winner for years.
- Proposition 17 DOES NOT regulate devices or pre-programmed computers to select winners.

- Proposition 17 DOES NOT regulate raffle advertising.
- Proposition 17 DOES NOT ensure that the future holds any promise for meaningful regulation.
- Proposition 17 DOES NOT limit the size or frequency of raffles or lotteries.

Under Proposition 17, unscrupulous persons will move in to create PHONY charities, market tickets statewide for their own personal gain, with only a trickle of money ever reaching legitimate charities.

Remember this. There is NO NEED for Proposition 17. Existing raffles are harmless fund-raisers for legitimate charities. They do not cause crime. The purchase of raffle tickets for local charities does not cause gambling addiction.

If Proposition 17 sponsors really cared about legitimate charities, they wouldn't have cleverly written this measure without regulations to prohibit phony charities and scam artists from lining their pockets with donations.

Proposition 17 creates problems and solves none.

Proposition 17 is a bad bet for California.

DON'T BE FOOLED BY PROFESSIONAL GAMBLING OPERATORS. VOTE "NO" ON PROPOSITION 17.

DICK MOUNTJOY

State Senator

ART CRONEY

Executive Director, Committee on Moral Concerns

Rebuttal to Argument Against Proposition 17

The opposition is making baseless charges to scare voters. These are the facts they do not want you to know: traditional raffles are illegal in California and have been for over 100 years. *There are no exceptions.* No court or prosecuting agency has *ever* claimed traditional raffles are legal for California nonprofit charities.

Proposition 17 has no effect on the State Lottery. It simply legalizes what occurs every day across this state. In fact, Proposition 17 is *supported* by public education leaders.

Proposition 17 prohibits commercial, for profit, raffles. Ninety percent of the funds raised by the raffle must go toward the charity. Any person paid for conducting the charity raffle must be an employee of the nonprofit. Other regulations governing the conduct of charitable raffles are in the companion bill, Senate Bill 639, which is being held in the Legislature pending this vote.

Proposition 17 is *not* being backed by professional gambling interests. It is supported by law enforcement leaders who are tired of having to shut down legitimate, but illegal, charitable raffles. The drive to legalize charitable raffles has received support from countless diverse charitable nonprofit organizations, education leaders, and religious organizations. These nonprofit organizations provide 50 billion dollars in services to this state and employ 750,000 people.

Do not be misled by the "Committee on Moral Concerns." It is time to get rid of this archaic prohibition on charitable raffles. Vote "Yes" on Proposition 17.

JACKIE SPEIER

State Senator, 8th District

CURTIS J. HILL

Sheriff, County of San Benito



Murder: Special Circumstances. Legislative Initiative Amendment.

Official Title and Summary Prepared by the Attorney General

MURDER: SPECIAL CIRCUMSTANCES. LEGISLATIVE INITIATIVE AMENDMENT.

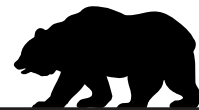
- Amends provisions of Penal Code section 190 defining the special circumstances where first degree murder is punishable by either death or life imprisonment without the possibility of parole. Provides that a special circumstance exists for killings committed “by means of lying in wait” rather than “while lying in wait.” Provides that a special circumstance exists where murder is committed while the defendant was involved in acts of kidnapping or arson, even if it is proved that the defendant had a specific intent to kill, and the kidnapping or arson was committed to facilitate murder.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- Unknown, probably minor, additional state costs.

Final Votes Cast by the Legislature on SB 1878 (Proposition 18)

Assembly: Ayes 66	Senate: Ayes 28
Noes 2	Noes 6



Background

First degree murder is generally defined as murder that is intentional or deliberate or that takes place during certain other crimes. It is generally punishable by a sentence of 25 years to life imprisonment with the possibility of release from prison on parole. However, a conviction for first degree murder results in a sentence of death or life imprisonment *without* the possibility of parole if the prosecutor charges and the court finds that one or more “special circumstances” specified in state law apply to the crime.

One such special circumstance involves cases in which the murderer intentionally killed the victim “while lying in wait.” The courts have generally interpreted this provision to mean that, in order to qualify as a special circumstance, a murder must have occurred immediately upon a confrontation between the murderer and the victim. The courts have generally interpreted this provision to rule out a finding of a special circumstance if the defendant waited for the victim, captured the victim, transported the victim to another location, and then committed the murder.

A special circumstance can also be charged and found if one of a list of specific felonies, including arson and kidnapping, occurred during the commission of a first degree murder. However, the courts have determined that a special circumstance can be found in such a case only when the criminal’s primary goal was to commit arson or kidnapping and only later a murder was committed to further the arson or kidnapping. The courts determined that a special circumstance could not be found in a case in which the criminal’s primary goal was to kill rather than to commit arson or kidnapping.

Proposal

This measure amends state law so that a case of first degree murder is eligible for a finding of a special circumstance if the murderer intentionally killed the victim “by means of lying in wait.” In so doing, this measure replaces the current language establishing a special circumstance for murders committed “while lying in wait.” This change would permit the finding of a special circumstance not only in a case in which a murder occurred immediately upon a confrontation between the murderer and the victim, but also in a case in which the murderer waited for the victim, captured the victim, transported the victim to another location, and then committed the murder.

This measure also amends state law so that a case of first degree murder is eligible for a finding of a special circumstance if arson or kidnapping was committed to further the murder scheme.

As a result of these two changes in state law, additional first degree murderers would be subject to punishment by death or by life imprisonment without the possibility of parole, instead of a maximum prison sentence of 25 years to life.

Fiscal Effect

This measure would increase state costs primarily as a result of longer prison terms for the murderers who would receive a life sentence without the possibility of parole. Also, there would be increased state costs for appeals of additional death sentences, which are automatically subject to appeal to the California Supreme Court. The magnitude of these costs is unknown, but is probably minor, because relatively few offenders are likely to be affected by this measure.

For text of Proposition 18 see page 117



Murder: Special Circumstances. Legislative Initiative Amendment.

Argument in Favor of Proposition 18

Proposition 18 corrects two odd decisions by the Rose Bird Supreme Court. In 1980, and again in 1985, that court turned our voter-enacted death penalty law on its head. In the first case, the court ruled that an estranged husband who arranged the kidnapping of his wife in order to kill her was not subject to the death penalty or even life imprisonment without parole because the kidnapping was committed solely to murder her rather than to commit a less serious crime! In the second case, the court mandated that a criminal who kidnapped and killed a witness to prevent him from testifying was not subject to the death penalty or life without parole.

Under these hapless decisions:

- A murderer who deliberately kidnaps his victim to kill him and then takes the victim to a remote location and kills him would *not* be subject to the death penalty or life imprisonment without the possibility of parole (even though it would be applicable if the kidnapping was committed for some lesser purpose).
- A murderer who sets fire to a building with a premeditated plan to kill someone inside would *not* be subject to the death penalty or a sentence of life imprisonment without parole (even though it would be applicable if committed only for arson to destroy property that results in an unintended death).

Proposition 18 provides voters the chance to correct

such unjust, illogical remnants of the Rose Bird court and restore logic, fairness, and justice to our death penalty laws. It grants juries the option of rendering verdicts of death or life imprisonment without parole to those who:

- Kidnap for an express premeditated purpose to murder;
- Lie in wait for their victims, then seize and take them to a more secluded spot to murder them;
- Commit arson for the purpose of killing a person inside the building.

It defies reason to exclude such aggravated murders from our death penalty or life imprisonment law. Proposition 18 eliminates unequal treatment from court-imposed law. It restores equal justice for murder victims' families, for law enforcement officers who each day confront criminals and even murderers and for all Californians. Voting "yes" on Proposition 18 ensures a rational standard for capital punishment and life imprisonment and protects the honesty and integrity of the law in our state.

HON. GEORGE DEUKMEJIAN

Former Governor of California

HON. MICHAEL D. BRADBURY

District Attorney of Ventura County

MRS. QUENTIN L. (MARA) KOPP

Retired Social Worker

Rebuttal to Argument in Favor of Proposition 18

What good does it do us to pass Proposition 18, extend capital punishment? We owe it to ourselves to put aside prejudices, assess facts.

Nobody's been able to demonstrate statistically that capital punishment deters murders or saves lives. States and nations without capital punishment have lower murder rates.

Instead, research demonstrates it costs \$2 million more per case to prosecute a murderer through to the death penalty than if the defendant serves for life without possibility of parole.

Why don't we get smart, save that money, invest in efforts which could reduce the murder rate, especially against persons in law enforcement?

We appreciate our fellow humans who choose careers wherein they put their lives on the line to assure our public safety. And we'd provide them more safety if we devoted the money capital punishment costs to research to prevent future murderers.

Capital punishment gives us no way to learn about the root causes of murderous conduct. As we grow to recognize that violence is learned behavior, it's evident we can learn more about their lives, ferret out the root causes of their murders, if these folks are alive. Hopefully, in due time, through sufficient study, we'll learn enough so future children won't grow up so disturbed within themselves, so dangerous to the rest of us!

Let's save money, devote it to preventing violence, especially murder. Be smart, join us in voting NO, defeat Proposition 18.

AZIM KHAMISA

Founder, Tariq Khamisa Foundation

WILSON RILES, JR.

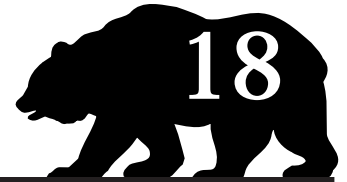
Executive Director, American Friends Service

Committee of Northern California

SENATOR JOHN VASCONCELLOS

Chair, Senate Public Safety Committee

Murder: Special Circumstances. Legislative Initiative Amendment.



Argument Against Proposition 18

As a taxpayer, you are being asked to enlarge the death penalty. You deserve clear proof that this proposed change would improve public safety and the quality of justice. That proof is lacking.

Public safety would not be improved by this proposition.

Under existing law, the homicide rate in California has fallen steadily and dramatically since 1991. Yet we still have not matched the success of the states that use no death penalty. Massachusetts, for example, is an urban state with no death penalty and a homicide rate one-third of California's. In fact, states that have no death penalty usually suffer fewer murders in proportion to their population than states that expend resources on capital punishment. Enlarging the death penalty would not make our streets more safe.

It costs California taxpayers \$2 million over and above the cost of life imprisonment each time a murderer is sent to Death Row. We should be asking some hard questions. Isn't it better to invest this money in after-school programs for youth? Shouldn't schools be funded to train all of their personnel in conflict resolution programs that have been proven effective, and why are only a small fraction of schools able to train parents in these programs? Enlarging the death penalty would not enable us to spend our public safety tax dollars more wisely.

The *quality of justice* would not be improved by this proposition.

Adjusting the scope of punishment can never compensate for the harm caused by murder. Any murder

is deplorable. The community and family members suffer whenever a life is deliberately cut short, regardless of whether arson, kidnaping, or lying-in-wait is involved. In fact, it trivializes the vast majority of cases to imagine there is any link between the circumstances of a killing, the type of retribution imposed, and the agony of friends and family of the victim. There is no evidence that communities and families of murder victims in California are better able to recover from their loss due to the existence of a death penalty than communities and families in Massachusetts heal in the absence of a death penalty. Enlarging the death penalty would not improve justice for communities and families of victims.

The law already allows capital punishment in more homicide cases than prosecutors pursue as death penalty matters. And in cases where they do urge a death sentence, jurors often refuse to recommend it. As a result, most death-eligible cases are resolved by plea bargains. To the extent this proposition would expand the number of death-eligible cases, lawyers would expend extra taxpayer dollars on the plea-bargain process. Added litigation would be of no real assistance to the families of victims, nor to the community.

This proposition will not improve public safety or the quality of justice. Vote NO.

MOST REVEREND SYLVESTER D. RYAN
President, California Catholic Conference

MIKE FARRELL
President, M J & E Productions, Inc.

SENATOR PATRICK JOHNSTON
Chair, Senate Appropriations Committee

Rebuttal to Argument Against Proposition 18

Opposition arguments center almost entirely on philosophical objections to the death penalty but miss the point of this measure, which was approved for the ballot (since it amends an initiative) by huge nonpartisan votes in the Legislature (Senate 28-6, Assembly 66-2) to correct bizarre Rose Bird court decisions.

Reasons for Proposition 18

Under Rose Bird court decisions:

Criminals who kidnap someone to rob them, then kill them as an afterthought or who set fire to a building to destroy property are subject to the death penalty or life imprisonment without parole, *at a jury's discretion*;

Criminals who, however, kidnap someone to murder them or set fire to a building to murder the occupants and do kill them are *not* subject to a death sentence or life imprisonment without parole. *This simply isn't right.*

Nonpartisan Support

Crime victims and law enforcement strongly support Proposition 18. Introduced for the ballot by former Independent State Senator Quentin Kopp, it has been

publicly endorsed and/or voted for by Crime Victims United of California, Democratic Governor Gray Davis, Attorney General Bill Lockyer, former Republican Governors George Deukmejian and Pete Wilson, Democratic Lt. Governor Cruz Bustamante, Speaker Antonio Villaraigosa and Republican Senator Richard Rainey, among others.

Opposition arguments almost seem to trivialize murder cases. Their statements ring hollow with actual family and friends of murder victims. For example, training school personnel in "conflict resolution," while commendable, doesn't cure injustices in current murder law. Proposition 18 does. Please vote "yes".

HONORABLE GEORGE DEUKMEJIAN
Former Governor of the State of California

HONORABLE MICHAEL D. BRADBURY
District Attorney of Ventura County

MRS. HARRIET SALARNO
Chair, Crime Victims United of California



Murder. BART and CSU Peace Officers. Legislative Initiative Amendment.

Official Title and Summary Prepared by the Attorney General

MURDER. BART AND CSU PEACE OFFICERS. LEGISLATIVE INITIATIVE AMENDMENT.

- Existing law provides that the punishment for the murder in the second degree of specified peace officers is life without the possibility of parole if the crime occurs while the officer is on duty and aggravating factors are present. This measure specifies these enhanced sentence provisions would also apply when the victim is a peace officer employed by the Bay Area Rapid Transit District or the California State University System.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Unknown, probably minor, additional state costs.
-

Final Votes Cast by the Legislature on SB 1690 (Proposition 19)

Assembly: Ayes 70	Senate: Ayes 36
Noes 3	Noes 0



Background

Under California law, there are two “degrees” of murder.

First degree murder is generally defined as murder that is intentional or deliberate, or that takes place during certain other crimes, including arson, rape, or robbery. It is generally punishable by a sentence of 25 years to life imprisonment with the possibility of release from prison on parole.

All other types of murder are second degree murder. Second degree murder is generally punishable by imprisonment for 15 years to life with the possibility of release from prison on parole. An exception is provided in some cases involving the second degree murder of specific peace officers identified in state law, including county sheriffs and city police officers, and various state law enforcement personnel.

Specifically, state law provides that if one of these specified peace officers is killed in the line of duty and the person convicted of the second degree murder knew or should have known that the victim was a peace officer, the crime is punishable by a prison term of 25 years to life with the possibility of release from prison on parole. State law also provides that the second degree murder of a specified peace officer is punishable by a longer term of life in prison without the possibility of parole if it is also

found that the murderer specifically intended to kill or greatly injure the peace officer, or used a firearm or other dangerous weapon in the crime.

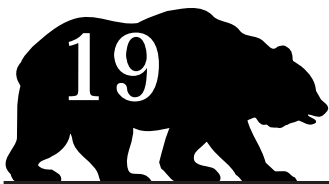
Proposal

This measure requires longer prison sentences for offenders convicted of the second degree murder of law enforcement personnel working for the California State University system and the San Francisco Bay Area Rapid Transit (BART) District, consistent with penalties now provided for cases involving the murder of other specified peace officers in California. It would add peace officers working for these two public employers to the list of peace officers for whom a conviction for their second degree murder would result in a punishment of 25 years to life or, under certain circumstances, life imprisonment without possibility of parole.

Fiscal Effect

This proposition would increase state costs primarily as a result of longer prison terms for the murderers who would receive a life sentence without the possibility of parole. Also, there could be increased state costs for appeals of sentences of life without the possibility of parole. These costs are unknown, but probably minor, because relatively few offenders are likely to be affected by this measure.

For text of Proposition 19 see page 118



Murder. BART and CSU Peace Officers. Legislative Initiative Amendment.

Argument in Favor of Proposition 19

In 1998 the voters of California overwhelmingly approved Proposition 222 which enhanced criminal sentences for persons convicted of murdering police officers under specified circumstances. In approving this proposition, by a vote of 77% in favor to 23% opposed, the citizens of California recognized that police officers face day-to-day hazards in protecting us against harm and enforcing the law that make them vulnerable to serious injury and death. Existing law acknowledges these dangers by providing increased protections against the murder of police officers.

Later in 1998, the state legislature passed Senate Bill 1690 which amends this initiative statute, subject to voter approval, to ensure that these same protections are applied to police officers of the California State University (CSU) and the San Francisco Bay Area Rapid Transit District (BART). The legislature recognized that the officers of these full-service police departments

handle the same types and variety of criminal investigations—from petty theft to murder—as their city, county and state counterparts, and as such, assume the same daily life and death risks. The Senate passed Senate Bill 1690 on a vote of 36–0, the Assembly voted 70–3 in favor of the proposal, and the Governor promptly signed the bill into law.

Proposition 19 asks the voters of California to approve this legislative action which would provide the same protection against the murder of CSU and BART police, as municipal police, county sheriffs and the police of the University of California currently enjoy.

RICHARD RAINEY
State Senator, 7th Senatorial District
THOMAS M. BLALOCK
Vice President, BART Board of Directors

Rebuttal to Argument in Favor of Proposition 19

Wait just a minute! Proposition 19 does a lot more than just cover penalties for murdering police officers. Proponents are saying this just extends Proposition 222 from the last election. But Proposition 19 also covers:

- a. falsely reporting a bomb threat to BART police and university police;
- b. falsely reporting any crime to BART police and university police;
- c. falsely identifying yourself to BART police and university police to evade proper investigation by the officer;
- d. joining a posse to catch criminals, when told to do so by BART police and university police; and
- e. exempting retired BART police and university police officers from prohibitions on carrying concealed weapons.

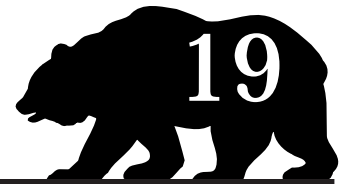
Voters need to decide if they want all these provisions

to be adopted. As a matter of fact, we agree with most of Proposition 19—all except the item labeled (d) above. We should pause at giving more officers the power to FORCE average citizens to join a posse to catch dangerous criminals. We would repeal the law giving any officers this power, rather than expanding it.

Often much of a law sounds good, but there is a “poison pill” that should cause voters to say NO. Three Assemblymen whose records show strong support of law enforcement voted against putting Proposition 19 on the ballot. We agree with them and urge you to vote NO.

GAIL K. LIGHTFOOT
Past Chair, Libertarian Party of California
LARRY HINES
Legal Secretary
TED BROWN
Insurance Adjuster/Investigator

Murder. BART and CSU Peace Officers. Legislative Initiative Amendment.



Argument Against Proposition 19

California, 1885: The Sheriff says, “OK, men, let’s get the posse together and ride out of town. There are two gunslingers hiding out in the desert and we’re going to bring them in.”

California, 2000: The BART train officer says, “OK, train riders, you’re now a posse. If you don’t help me capture the crazed gunman in the next car, I can arrest YOU and have you fined \$1000!”

We thought that posses went out a hundred years ago. But Proposition 19 will expand the power of government so that police on BART trains and at college campuses can force people to help capture criminals—without arms, training or pay. Don’t want to help? Well, you could be fined \$1000!

Most of Proposition 19 is reasonable. Indeed, BART police, University of California police and California State University police should be treated the same as other police officers. But some existing police powers should be ended rather than extended.

There’s nothing wrong with a voluntary posse. An officer can ask for help, and should do so if he needs it. But to force a random citizen to help with possibly dangerous police work is downright crazy.

In the Wild West days, most men carried firearms and knew how to use them. So when the sheriff asked for volunteers, he could be sure the men were able to help.

Now it’s policy for local sheriffs and police chiefs to refuse to issue permits for concealed weapons—except for prominent, politically well-connected individuals. Any citizen who is not a violent felon or a mental patient should be issued a permit. We all have a 2nd Amendment right to keep and bear arms for self-defense.

Proposition 19 also gives off-duty and retired BART and university police the right to carry concealed weapons. This is fine. But why not recognize this right for the rest of us as well? Shouldn’t teachers, grocery clerks, dentists and plumbers have the same right and ability to defend themselves?

Please vote NO on Proposition 19.

GAIL K. LIGHTFOOT

Past Chair, Libertarian Party of California

TED BROWN

Insurance Adjuster/Investigator

LARRY HINES

Legal Secretary

Rebuttal to Argument Against Proposition 19

Those making the argument against Proposition 19 apparently do not understand its provisions. Proposition 19 has absolutely nothing to do with expanding police powers to form a posse or carry concealed weapons when off duty. Police officers throughout the state, including CSU and BART police, already have that authority.

Proposition 19 simply asks the voters of California to approve a portion of a bill, passed by the legislature with bi-partisan support in 1998, that makes the murder of CSU and BART police subject to the same penalties as the murder of other police officers.

The Legislature recognized that CSU police and BART police face the same day-to-day dangers as other police officers, and overwhelmingly approved this amendment. There was no opposition to this proposal as it passed through the legislative process. In fact, even the

opposition argument above supports this proposition; it states, “Indeed, BART police, University of California police and California State University police should be treated the same as other police officers.”

Proposition 19 accomplishes just that purpose. It amends Section 190 of the Penal Code to make enhanced sentences for second degree murder of California police officers throughout the state apply equally for second degree murder of CSU and BART police officers.

Please vote YES on Proposition 19.

RICHARD RAINEY

State Senator, 7th Senatorial District

THOMAS BLALOCK

Vice-President, BART Board of Directors



California State Lottery. Allocation for Instructional Materials. Legislative Initiative Amendment.

Official Title and Summary Prepared by the Attorney General

CALIFORNIA STATE LOTTERY. ALLOCATION FOR INSTRUCTIONAL MATERIALS. LEGISLATIVE INITIATIVE AMENDMENT.

- Amends Government Code section 8880.4 which provides that at least 34% of the total annual state lottery revenues shall be allocated to benefit public education.
- Provides that beginning with 1998–99 fiscal year and each fiscal year thereafter, one-half of the amount of the share allocated to public education that exceeds the amount allocated in fiscal year 1997–98 shall be allocated to school and community college districts for the purchase of instructional materials.
- The funds are distributed on the basis of an equal amount per unit of average daily attendance.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- In the near term, tens of millions of dollars in annual lottery revenues that go to public education would be earmarked for instructional materials. Amounts earmarked in future years would depend on changes in the level of overall lottery revenues.

Final Votes Cast by the Legislature on AB 1453 (Proposition 20)

Assembly: Ayes 59
Noes 11

Senate: Ayes 22
Noes 12



Background

The Lottery. Since 1985, the state has operated the California State Lottery. Revenues from the lottery are allocated as follows:

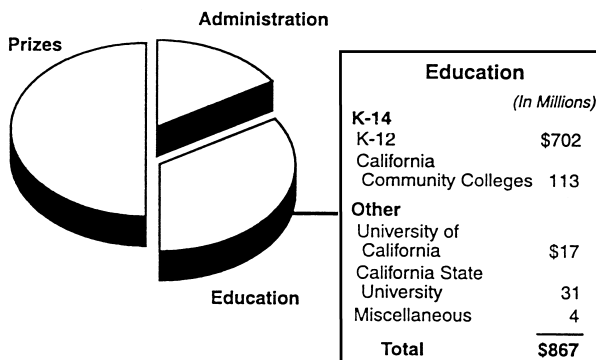
- 50 percent is returned to players as prizes.
- At least 34 percent is allocated to public education.
- A maximum of 16 percent can be used to administer the lottery.

The amount allocated to public education is distributed, based on student enrollment, to K–14 public schools (K–12 school districts and community colleges), the California State University, the University of California, Hastings College of the Law, and specific state departments that provide K–14 education programs. As shown in Figure 1, lottery revenues are currently about \$2.6 billion a year. The figure also shows how funds are allocated to education. Under existing law, these funds can be used for any school expense (except for buying property, constructing facilities, and financing research).

Figure 1

California State Lottery Where Do the Revenues Go?

1999–00 Sales—\$2.6 Billion



Instructional Materials. Local school districts are responsible for providing necessary services and materials—such as teachers, facilities, and instructional materials—to educate children. (Instructional materials consist primarily of textbooks and other reading materials, but also include other items such as computer software, arts and crafts supplies, and maps.) The state currently provides schools

almost \$600 million each year that *must* be spent on instructional materials. (This is about \$100 per student each year.)

Proposal

This proposition changes the way that a *portion* of the annual lottery revenues is distributed to public education. Basically, of the future *growth* in lottery funds, *one-half* must go to K–14 public schools and be spent on instructional materials. (See box for an example of how this would work.) These funds would be allocated to K–14 schools on a per-student basis.

How the Proposition Would Affect Education Lottery Funds

The proposition uses fiscal year 1997–98 (that is, July 1, 1997 through June 30, 1998) as the “base year.” In that year, the state allocated \$780 million in lottery monies to public education. The proposition’s impact in any year would depend on the growth in lottery funds since 1997–98. For example, it is estimated that the total 1999–00 allocation to public education will be \$867 million. Based on this amount, the formula in the proposition would result in the following:

- **Growth:** \$867 million – \$780 million = \$87 million.
- **Amount Dedicated to Instructional Materials:** \$87 million x 50 percent = \$43.5 million.

Therefore, under this example, the proposition would result in the allocation of \$43.5 million to K–14 public schools for instructional materials. The allocation of the remaining public education lottery funds (\$867 million – \$43.5 million = \$823.5 million) would not be affected by the proposition.

The proposition would not change the way “base” lottery revenues are allocated to public education. It also would not change the way that the other one-half of growth monies is allocated.

Fiscal Effect

This proposition would *not* affect the total amount of lottery revenues going to public education. As noted above, it would simply earmark a portion of those funds for instructional materials only. In the near term, we estimate this earmarked amount would be in the tens of millions of dollars each year. The annual amount of funds dedicated to instructional materials would depend on changes in the level of overall lottery revenues.

For text of Proposition 20 see page 118



California State Lottery. Allocation for Instructional Materials. Legislative Initiative Amendment.

Argument in Favor of Proposition 20

California has an alarming textbook shortage. A YES vote for PROPOSITION 20 will guarantee that California's students have a consistent source of funding for textbooks, without increasing taxes or expanding the lottery. When it comes to academic achievement, textbooks are second only to competent teachers.

- California is currently ranked at the bottom, 47th out of the 50 states, in per pupil textbook spending.
- 54% of California teachers surveyed say that they do not have enough books for students to take home for homework and test preparation, and nearly 25% of students have to share books in class.
- 40% of teachers say that they waste valuable class time doing activities to compensate for the textbook shortage.
- In most California schools, students are unable to take books home to study; often schools only have one set of textbooks to be used by many students.

Proposition 20, the CARDENAS TEXTBOOK ACT OF 2000, will guarantee that a portion of lottery revenues are used for the purchase of textbooks and other instructional materials.

Currently, 50% of lottery revenues go to prizes; 34% are allocated to the benefit of public education and 16% are used for the payment of administrative expenses and promotions. The education funds can only be spent for instructional purposes.

- When the voters approved the Lottery in 1984, the California Department of Education strongly recommended that districts use lottery funds for one-time costs such as textbooks, computers and field trips.
- The Department discouraged the funding of ongoing costs with fluctuating lottery revenues. However, districts continually spend Lottery funds for ongoing costs.

This Act would create a mechanism to ensure *continuous funding* for textbooks and instructional materials within the current education lottery revenues. Specifically, Proposition 20 would require that half of any increase in education revenue be reserved for the purchase of textbooks and instructional materials. The 1997–1998 fiscal year would serve as the base amount to determine each year's increase.

For example, if there were a \$100 million difference between education revenues in 1997–1998 and 1998–1999 then \$50 million would be dedicated to textbooks and instructional materials. The funds are to be distributed proportionally based on each district's average daily attendance.

Proposition 20 would guarantee additional projected revenues of \$60 million in fiscal year 1998–1999, \$80 million in 1999–2000, and \$90 million in 2000–2001 for textbooks and instructional materials.

A recent statewide survey indicates that the majority of Californians support increased funding for textbooks.

- 72% of Californians believe it is "important" or "very important" that all California public school students have current textbooks.
- 65% of Californians believe that the state, not the local governments, should fund the purchase of new textbooks.
- 60% believe it is more important to provide funds for current textbooks than to fund class size reduction and new classrooms.

A YES vote for PROPOSITION 20 will help ensure that students have the textbooks they need to succeed. We cannot expect students to meet our new high education standards without current materials.

TONY CARDENAS

California State Assemblymember, 39th District

NELL SOTO

California State Assemblymember, 61st District

Rebuttal to Argument in Favor of Proposition 20

All school children need up-to-date textbooks and instructional materials.

But PROP. 20 is NOT the answer.

- *Prop. 20 IS UNNECESSARY.*

The California State budget already provides ongoing funding for textbooks. In addition, a new state program is providing \$1 billion for textbooks over the next four years.

- *Prop. 20 TAKES AWAY LOCAL CONTROL.*

Presently, the use of the lottery dollars that come to local schools is left to the decision-making of local school boards and allocated for local priorities.

Prop. 20 takes away this local control—just one more way for Sacramento politicians and bureaucrats to meddle in local school decision-making. We need less meddling, not more.

- *Prop. 20's MANDATE MAY REDUCE LOCAL SPENDING ON SPECIAL LOCAL PROJECTS.*

Because lottery funds fluctuate every year, many local districts dedicate these "unstable" funds to one-time-only expenditures, like science equipment, special training, emergency repairs, reading workshops, computers, and wiring for computers and other learning

technology. Allowing each district to choose what they need most is the best use of lottery funds.

We want the best public education we can provide our children. We want SMALLER CLASS SIZES, BETTER FACILITIES, MORE ACCOUNTABILITY and *higher* TEST SCORES.

BUT WE ALSO BELIEVE IN LOCAL CONTROL AND LOCAL DECISION-MAKING about how to achieve those goals.

No one knows better what our students need than those closest to them . . . the local teachers, principals, and school boards in their own communities.

PROP. 20 TAKES AWAY LOCAL CONTROL.

VOTE NO on PROP. 20.

WAYNE JOHNSON

President, California Teachers Association

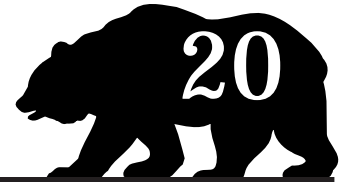
SANDY CLIFTON

President, Association of California School Administrators

LESLIE DeMERSSEMAN

President, California School Boards Association

California State Lottery. Allocation for Instructional Materials. Legislative Initiative Amendment.



Argument Against Proposition 20

- This proposition has no merit. It is about state control as opposed to local control.
 - School management needs some flexibility to best serve our children.
 - School instructional materials are already funded, by several sources, at \$542 million. This would add an estimated \$15 million in the first year, money more critically needed for school security, safety, and other identified needs.
 - Public school funding is already highly restricted as to use, so restricted, in fact, that school management must shuffle and scrape to fund such necessities as:
 - School safety and security
 - Expenses for class size reduction
 - Reading Specialists
 - Student Counselors
 - Outdoor Education
 - Needs locally identified
- Additionally, unnecessary detailed state control creates burdensome record keeping and reporting requirements,

involving extra employees and wasted expenditures.

Who should run our schools, politicians or political appointees in Sacramento, or parents, caring local school boards and school administrators?

Who knows best the needs of our children for:

- Security and safety?
- Protection from drugs while at school?
- Classroom deficiencies and needs?

Proposition 20 handicaps already burdened local administrators, school boards, parents and teachers, adversely affecting our children's safety, health and basic education, and is wasteful of our funds requiring additional employees for burdensome and unnecessary record keeping, planning and reporting.

Support local control. Please vote *NO* on Proposition 20.

ASSEMBLYMAN GEORGE R. HOUSE JR.
Assembly District 25

ASSEMBLYMAN STEVE BALDWIN
Assembly District 77

Rebuttal to Argument Against Proposition 20

A YES vote for Proposition 20 will set aside money for textbooks and instructional materials without reducing the amount of lottery money the schools currently receive. It will only affect any GROWTH in lottery revenues for education.

A YES vote for Proposition 20 will allow schools to continue to fund everything that they fund now and more. They maintain LOCAL CONTROL.

Proposition 20 would only take HALF OF ANY GROWTH in the lottery revenues and RESERVE it for textbooks and instructional materials.

For example, the 1997–1998 fiscal year revenues were about \$822 million. The 1998–1999 fiscal year revenues grew by \$113 million. Proposition 20 would only reserve half of the growth, \$56.5 MILLION, for textbooks and allow the schools to spend the remaining \$878.5 MILLION as they wish.

We agree that school safety and security are important; the majority of the lottery money will continue to be

available for these purposes. But, in educating children, textbooks are ranked second in importance only to teachers. Yet, California's ranking for per pupil textbook spending is at the bottom nationally—47th out of 50 states.

There remains a major shortage of textbooks statewide, and a continuous need to replace them. Setting aside some lottery revenues for textbooks is essential to enable children to meet the new high education standards and to obtain a quality education.

A YES vote on Proposition 20, the Cardenas Textbook Act, will provide LONG-TERM funding without increasing taxes.

MANNY HERNANDEZ
Trustee, Sacramento City Unified School District

JUDITH COCHRANE
Teacher

CAROL S. HORN
Parent



Juvenile Crime. Initiative Statute.

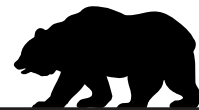
Official Title and Summary Prepared by the Attorney General

JUVENILE CRIME. INITIATIVE STATUTE.

- Increases punishment for gang-related felonies; death penalty for gang-related murder; indeterminate life sentences for home-invasion robbery, carjacking, witness intimidation and drive-by shootings; and creates crime of recruiting for gang activities; and authorizes wiretapping for gang activities.
- Requires adult trial for juveniles 14 or older charged with murder or specified sex offenses.
- Eliminates informal probation for juveniles committing felonies.
- Requires registration for gang related offenses.
- Designates additional crimes as violent and serious felonies, thereby making offenders subject to longer sentences.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- State costs: Ongoing annual costs of more than \$330 million. One-time costs of about \$750 million.
 - Local costs: Potential ongoing annual costs of tens of millions of dollars to more than \$100 million. Potential one-time costs in the range of \$200 million to \$300 million.
-



Overview

This measure makes various changes to laws specifically related to the treatment of juvenile offenders. In addition, it changes laws for juveniles and adults who are gang-related offenders, and those who commit violent and serious crimes. Specifically, it:

- Requires more juvenile offenders to be tried in adult court.
- Requires that certain juvenile offenders be held in local or state correctional facilities.
- Changes the types of probation available for juvenile felons.
- Reduces confidentiality protections for juvenile offenders.
- Increases penalties for gang-related crimes and requires convicted gang members to register with local law enforcement agencies.
- Increases criminal penalties for certain serious and violent offenses.

The most significant changes and their fiscal effects are discussed below.

Prosecution of Juveniles in Adult Court

Background. Currently, a minor 14 years of age or older can be tried as an adult for certain offenses. Generally, in order for this to occur, the prosecutor must file a petition with the juvenile court asking the court to transfer the juvenile to adult court for prosecution. The juvenile court then holds a hearing to determine whether the minor should be transferred. However, if an offender is 14 years of age or older, has previously committed a felony, and is accused of committing one of a specified list of violent crimes, then that offender must be prosecuted in adult court.

Proposal. This measure changes the procedures under which juveniles are transferred from juvenile court to adult court. Juveniles 14 years of age or older charged with committing certain types of murder or a serious sex offense generally would no longer be eligible for juvenile court and would have to be tried in adult court. In addition, prosecutors would be allowed to directly file charges against juvenile offenders in adult court under a variety of circumstances without first obtaining permission of the juvenile court.

Fiscal Effect. The fiscal effect of these changes is unknown and would depend primarily on the extent to which prosecutors use their new discretion to increase the number of juveniles transferred from juvenile to adult court. If they elect to transfer only the cases that they currently ask the juvenile court to transfer, then the fiscal impact on counties and the state could likely be some small savings because the courts currently grant most of the requests of the prosecutors. However, if prosecutors use their new discretion to expand the use of adult courts for juvenile offenders, the combined costs to counties and the state could be significant. Specifically,

the annual operating costs to counties to house these offenders before their adult court disposition could be tens of millions of dollars to more than \$100 million annually, with one-time construction costs of \$200 million to \$300 million.

Juvenile Incarceration and Detention

Background. Under existing law, probation departments generally can decide whether a juvenile arrested for a crime can be released or should be detained in juvenile hall pending action by the court. These determinations generally are based on whether there is space in the juvenile hall and the severity of the crime. The main exception concerns offenses involving the personal use or possession of a firearm, in which case the offender must be detained until he or she can be brought before a judge. Most juveniles detained in juvenile halls for a long time are awaiting court action for very serious or violent offenses.

If, after a hearing, a court declares a juvenile offender a delinquent (similar to a conviction in adult court), the court in consultation with the probation department, will decide where to place the juvenile. Generally, those options range from probation within the community to placement in a county juvenile detention facility or placement with the California Youth Authority (CYA).

For juveniles tried as adults, the adult criminal court can generally, depending on the circumstances, commit the juvenile to the jurisdiction of either the CYA or the California Department of Corrections (CDC). In addition, juvenile offenders convicted in adult court who were *not* transferred there by the juvenile court can petition the adult court to be returned to juvenile court for a juvenile court sanction, such as probation or commitment to a local juvenile detention facility.

Because current law prohibits housing juveniles with adult inmates or detainees, any juvenile housed in an adult jail or prison must be kept separate from the adults. As a result, most juveniles—even those who have been tried in adult court or are awaiting action by the court—are housed in a juvenile facility such as the juvenile hall or the CYA until they reach the age of 18.

Proposal. Under this measure probation departments would no longer have the discretion to determine if juveniles arrested for any one of more than 30 specific serious or violent crimes should be released or detained until they can be brought before a judge. Rather, such detention would be required under this measure. In addition, the measure requires the juvenile court to commit certain offenders declared delinquent by the court to a secure facility (such as a juvenile hall, ranch or camp, or CYA). It also requires that any juvenile 16 years of age or older who is convicted in adult court must be sentenced to CDC instead of CYA.

Fiscal Effect. Because this measure requires that certain juvenile offenders be detained in a secure facility,

it would result in unknown, potentially significant, costs to counties.

Requiring juveniles convicted in adult court to be sentenced to CDC would probably result in some net state savings because it is cheaper to house a person in CDC than in CYA.

A number of research studies indicate that juveniles who receive an adult court sanction tend to commit more crimes and return to prison more often than juveniles who are sent to juvenile facilities. Thus, this provision may result in unknown future costs to the state and local criminal justice systems.

Changes in Juvenile Probation

Background. Statewide there are more than 100,000 juvenile offenders annually on probation. Most are on “formal” probation, while the remainder are on “informal” probation. Under formal probation, a juvenile has been found by a court to be a delinquent, while under informal probation there has been no such finding. In most informal probation cases, no court hearing has been held because the probation department can directly impose this type of sanction. If the juvenile successfully completes the informal probation, he or she will have no record of a juvenile crime.

Proposal. This measure generally prohibits the use of informal probation for any juvenile offender who commits a felony. Instead, it requires that these offenders appear in court, but allows the court to impose a newly created sanction called “deferred entry of judgment.” Like informal probation, this sanction would result in the dismissal of charges if an offender successfully completes the term of probation.

Fiscal Effect. On a statewide basis the fiscal effect of these changes is not likely to be significant. In those counties where a large portion of the informal probation caseload is made up of felony offenders, there would be some increased costs for both the state and the county to handle an increased number of court proceedings for these offenders. In addition, county probation departments would face some unknown, but probably minor, costs to enforce the deferred entry of judgment sanction.

Juvenile Record Confidentiality and Criminal History

Background. Current law protects the confidentiality of criminal record information on juvenile offenders. However, such protections are more limited for juvenile felons and those juveniles charged with serious felonies.

Proposal. This measure reduces confidentiality protections for juvenile suspects and offenders by:

- Barring the sealing or destruction of a juvenile offense record for any minor 14 years of age or older who has committed a serious or violent offense, instead of requiring them to wait six years from when the crime was committed as provided under current law.
- Allowing law enforcement agencies the discretion to disclose the name of a juvenile charged with a serious felony at the time of arrest, instead of requiring them to wait until a charge has been filed as under current law.
- Providing law enforcement agencies with the discretion to release the name of a juvenile suspect

alleged to have committed a violent offense whenever release of the information would assist in apprehending the minor and protecting public safety, instead of requiring a court order as under current law.

In addition, this measure requires the California Department of Justice (DOJ) to maintain complete records of the criminal histories for all juvenile felons, not just those who have committed serious or violent felonies.

Fiscal Effect. These provisions would result in some savings to counties for not having to seal the records of certain juvenile offenders. There would also be unknown, but probably minor, costs to state and local governments to report the complete criminal histories for juvenile felons to DOJ, and to the state for DOJ to maintain the new information.

Gang Provisions

Background. Current law generally defines “gangs” as any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of certain crimes. Under current law, anyone convicted of a gang-related crime can receive an extra prison term of one, two, or three years.

Proposal. This measure increases the extra prison terms for gang-related crimes to two, three, or four years, unless they are serious or violent crimes in which case the new extra prison terms would be five and ten years, respectively. In addition, this measure adds gang-related murder to the list of “special circumstances” that make offenders eligible for the death penalty. It also makes it easier to prosecute crimes related to gang recruitment, expands the law on conspiracy to include gang-related activities, allows wider use of “wiretaps” against known or suspected gang members, and requires anyone convicted of a gang-related offense to register with local law enforcement agencies.

Fiscal Effect. The extra prison sentences added by the measure would result in some offenders spending more time in state prison, thus increasing costs to the state for operating and constructing prisons. The CDC estimates the measure would result in ongoing annual costs of about \$30 million and one-time construction costs totaling about \$70 million by 2025 to house these offenders for longer periods.

Local law enforcement agencies would incur unknown annual costs to implement and enforce the gang registration provisions.

Serious and Violent Felony Offenses

Background. Under current law, anyone convicted of a serious or violent offense is subject to a longer prison sentence, restrictive bail and probation rules, and certain prohibitions on plea bargaining. The “Three Strikes and You’re Out” law provides longer prison sentences for new offenses committed by persons previously convicted of a violent or serious offense. In addition, persons convicted of violent offenses must serve at least 85 percent of their sentence before they can be released (most offenders must serve at least 50 percent of their sentence).

Proposal. This measure revises the lists of specific crimes defined as serious or violent offenses, thus making most of them subject to the longer sentence

provisions of existing law related to serious and violent offenses. In addition, these crimes would count as “strikes” under the Three Strikes law.

Fiscal Effect. This measure’s provision adding new serious and violent felonies, combined with placing the new offenses under the Three Strikes law, will result in some offenders spending longer periods of time in state prison, thereby increasing the costs of operating and constructing prisons. The CDC estimates that the measure would result in ongoing annual state costs of about \$300 million and one-time construction costs totaling about \$675 million in the long term. The measure could also result in unknown, but potentially significant, costs to local governments to detain these offenders pending trial, and to prosecute them.

These additional costs may be offset somewhat for the state and local governments by potential savings if these longer sentences result in fewer crimes being committed.

Summary of Fiscal Effects

State. We estimate that this measure would result in ongoing annual costs to the state of more than \$330 million and one-time costs totaling about \$750 million in the long term.

Local. We estimate that this measure could result in ongoing annual costs to local governments of tens of millions of dollars to more than \$100 million, and one-time costs of \$200 million to \$300 million.

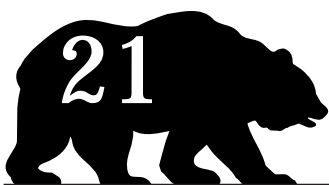
A summary of the fiscal effects of the measure is shown in Figure 1.

Figure 1

Proposition 21 Summary of Fiscal Effects of Major Provisions

	Fiscal Effect	
	State	Local
Prosecution of Juveniles in Adult Court		
<i>Changes procedures for transferring juveniles to adult court, thereby increasing the number of such transfers.</i>	Unknown court costs for additional cases in adult court.	Unknown, potentially ranges from small savings to annual costs of more than \$100 million and one-time costs of \$200 million to \$300 million.
Juvenile Incarceration and Detention		
<i>Requires secure detention or placement of certain juvenile offenders, as well as commitment to state prison for juveniles 16 years of age and older convicted in adult court.</i>	Unknown, some net savings for less costly commitments.	Unknown, potentially significant costs.
Changes in Probation		
<i>Changes the types of probation available for juvenile felons.</i>	Some court costs to formally handle more juvenile offenders.	Potential costs in some counties, but not significant on a statewide basis.
Juvenile Record Confidentiality and Criminal History		
<i>Reduces confidentiality protections for juvenile offenders and requires the California Department of Justice to maintain criminal history records on all juvenile felons.</i>	Minor costs to report and compile criminal histories.	Minor savings due to elimination of procedural requirements.
Gang Provisions		
<i>Increases penalties for gang-related crimes and requires gang members to register with local law enforcement agencies.</i>	Annual cost of about \$30 million and one-time costs of about \$70 million.	Unknown costs for gang member registry.
Violent and Serious Felony Offenses		
<i>Adds crimes to the serious and violent felony lists, thereby making offenders subject to longer prison sentences.</i>	Annual costs of about \$300 million and one-time costs of about \$675 million.	Unknown, potentially significant costs to detain additional offenders pending trial and to prosecute them.

For text of Proposition 21 see page 119



Juvenile Crime. Initiative Statute.

Argument in Favor of Proposition 21

As a parent, Maggie Elvey refused to believe teenagers were capable of extreme violence, until a 15 year-old and an accomplice bludgeoned her husband to death with a steel pipe. Ross Elvey is gone forever, but his KILLER WILL BE FREE ON HIS 25TH BIRTHDAY, WITHOUT A CRIMINAL RECORD. Her husband's killer will be released in three years, but she will spend the rest of her life in fear that he will make good on his threats to her. Frighteningly, Maggie's tragedy because of the current juvenile justice system could be repeated today.

Proposition 21—the Gang Violence and Juvenile Crime Prevention Act—will toughen the law to safeguard you and your family.

Despite great strides made recently in the war against adult crime, California Department of Justice records indicate *violent juvenile crime arrests—murders, rapes, robberies, attempted murders and aggravated assaults—rose an astounding 60.6% between 1983 and 1998.* The FBI estimates the California juvenile population will increase by more than 33% over the next fifteen years, leading to predictions of a juvenile crime wave.

Although we strongly support preventive mentoring and education, the law must be strengthened to require serious consequences, protecting you from the most violent juvenile criminals and gang offenders.

Proposition 21:

- Prescribes LIFE IMPRISONMENT FOR GANG MEMBERS convicted of HOME-INVASION ROBBERIES, CARJACKINGS OR DRIVE-BY SHOOTINGS.
- Makes ASSAULT WITH A FIREARM AGAINST POLICE, SCHOOL EMPLOYEES OR FIREFIGHTERS a serious felony.
- STRENGTHENS ANTI-GANG LAWS making violent gang-related felonies “strikes” under the Three Strikes law.
- Requires ADULT TRIAL FOR juveniles 14 or older charged with MURDER OR VIOLENT SEX OFFENSES.
- Requires GANG MEMBERS CONVICTED OF GANG FELONIES TO REGISTER WITH LOCAL LAW ENFORCEMENT.

Proposition 21 doesn't incarcerate kids for minor offenses—it protects Californians from violent criminals who have no respect for human life.

Ask yourself, if a violent gang member believes the worst punishment he might receive for a gang-ordered murder is incarceration at the California Youth Authority until age 25, will that stop him from taking a life? Of course not, and THAT'S WHY CALIFORNIA POLICE OFFICERS AND PROSECUTORS OVERWHELMINGLY ENDORSE PROPOSITION 21.

Proposition 21 ends the “slap on the wrist” of current law by imposing real consequences for GANG MEMBERS, RAPISTS AND MURDERERS who cannot be reached through prevention or education.

Californians must send a clear message that violent juvenile criminals will be held accountable for their actions and that the punishment will fit the crime. YOUTH SHOULD NOT BE AN EXCUSE FOR MURDER, RAPE OR ANY VIOLENT ACT—BUT IT IS UNDER CALIFORNIA'S DANGEROUSLY LENIENT EXISTING LAW.

We represent the California District Attorneys Association, California State Sheriffs Association, California Police Chiefs Association, crime victims, business leaders, educators and over 650,000 law-abiding citizens that placed Proposition 21 on the ballot.

Our quality of life depends on making California as safe as possible. Let's give all kids every opportunity to succeed and protect our families against the most dangerous few.

Please vote YES on PROPOSITION 21.

MAGGIE ELVEY

Assistant Director, Crime Victims United

GROVER TRASK

President, California District Attorneys Association

CHIEF RICHARD TEFANK

President, California Police Chiefs Association

Rebuttal to Argument in Favor of Proposition 21

Proponents have GROSSLY MISREPRESENTED HOW THE LAW WORKS. The 15 year old in the Elvey case was sentenced in 1993. The next year lawmakers lowered the age for adult court to 14. UNDER CURRENT LAW, MINORS 14 AND OLDER CHARGED WITH MURDER ARE NORMALLY TRIED AS ADULTS. UPON CONVICTION, THESE MINORS RECEIVE THE ADULT SENTENCE UP TO LIFE IMPRISONMENT WITHOUT PAROLE. The proponents should know better, and they probably do. *They are using scare tactics to sell a massive legal overhaul, filled with self-interest items, and loaded with HUNDREDS OF MILLIONS OF DOLLARS IN COSTS that could raise your taxes.*

PRESIDING JUDGE James Milliken (San Diego Juvenile Court) says: “I can already send 14 year olds with violent offenses to adult court. Proposition 21 would let prosecutors move kids like mentally impaired children to adult court where they don't belong, *without judicial review.* These important decisions must be reviewed by an impartial judge.”

Proposition 21 is NOT LIMITED TO VIOLENT CRIME. It turns low-level vandalism into a felony. It requires gang

offenders with misdemeanors (like stealing candy) to serve six months in jail. SHERIFF Mike Hennessey (S.F.) says, “I support tough laws against gangs and crime, but Proposition 21 is the WRONG APPROACH.”

Join the respected professional, citizen and victim organizations AGAINST PROPOSITION 21—including Marc Klaas/KlaasKids Foundation, California Chief Probation Officers, California Council of Churches, League of Women Voters, California Catholic Conference, Children's Defense Fund, California State PTA and California Tax Reform Association. Vote NO on 21.

ALLEN BREED

Former Director, California Youth Authority

LARRY PRICE

Chief Probation Officer, Fresno County

FATHER GREGORY BOYLE

Member, California State Commission on Juvenile Justice, Crime and Delinquency Prevention

Juvenile Crime. Initiative Statute.



Argument Against Proposition 21

PROPOSITION 21 CARRIES A HUGE PRICE TAG—YOU WILL PAY FOR IT.

Proposition 21 creates a long list of new crimes and penalties for children and adults. Because of Proposition 21, California will need more jails and prisons. **YOUR TAXES MAY HAVE TO BE RAISED TO PAY FOR PROPOSITION 21.** California's Legislative Analyst reports that Proposition 21 will cost local governments "*tens of millions of dollars*" and state government "*hundreds of millions*" of dollars *each year*. The Department of Corrections estimates that Proposition 21 will require a capital outlay of nearly \$1,000,000,000 (*one billion dollars*) for prison expansion. We already have the nation's biggest prison system. Californians have other needs—like better schools, health care and transportation—that will be sacrificed so that you can pay the huge Proposition 21 price tag.

PROPOSITION 21 WILL PUT KIDS IN STATE PRISONS.

Proposition 21 will send a new wave of 16 and 17 year olds to state prison. In prison, without the treatment and education available in the juvenile system, they will be confined in institutions housing adult criminals. What will these young people learn in state prison—how to be better criminals? Our nation has a tragic record of sexual and physical assault on children who are jailed with adults.

CALIFORNIA ALREADY HAS TOUGH LAWS AGAINST GANGS AND YOUTH CRIME.

California law already allows children and gang members as young as 14 to be tried and sentenced as adults. California already has the nation's highest youth incarceration rate—more than twice the national average! Police, prosecutors and judges have strong tools under current law to prosecute and punish gang members who commit violent crimes.

PROPOSITION 21 WILL HARM CURRENT EFFORTS TO PREVENT GANG AND SCHOOL VIOLENCE.

Proposition 21 does nothing to build safer schools or communities. It will not stop tragedies like the Colorado school shooting, and it will not keep kids from joining gangs. But, Proposition 21 will capture your tax dollars and take them away from current efforts to stop violence before it happens. Last year, the current Governor and the Legislature approved programs to prevent youth violence—like after-school programs that keep kids off the streets. Proposition 21 threatens the survival of these programs.

DON'T RISK HIGHER TAXES FOR A HIGH-PRICED ANTI-YOUTH PACKAGE WE DON'T NEED.

Proposition 21 was drafted over two years ago by former Governor Pete Wilson. It is an extreme measure that will result in more incarceration of children and minority youth. We don't need it. California's tough anti-crime laws are already working to reduce crime and violence. Since 1990, California's felony arrest rate for juveniles has dropped 30% and arrests of juveniles for homicide have plummeted 50%. Proposition 21 asks you to spend billions of future tax dollars for penalties and prisons that are extra baggage. **DON'T THROW AWAY MONEY WE NEED FOR BETTER SCHOOLS, BETTER ROADS AND BETTER HEALTH CARE. DON'T RISK HIGHER TAXES FOR OUT-DATED REFORMS. VOTE NO ON PROPOSITION 21.**

LAVONNE McBROOM

President, California State PTA

GAIL DRYDEN

President, League of Women Voters of California

RAYMOND WINGERD

President, Chief Probation Officers of California

Rebuttal to Argument Against Proposition 21

DON'T BE DECEIVED BY THE ARGUMENTS AGAINST PROPOSITION 21. It doesn't lock up kids for minor offenses, place minors in contact with adult inmates, or raise your taxes! It's not about typical teenagers who make stupid mistakes; these kids can be reached through mentoring, prevention and rehabilitation.

Proposition 21 protects you and your family by holding juveniles and gang members *accountable for violent crime*. It's necessary because violent *juvenile* crime has increased *more than 60% over the last 15 years*. We must be clear: **YOUTH IS NO EXCUSE FOR RAPE AND MURDER.**

While prevention programs are important, by themselves they don't deter hardened gang members from committing rape and murder. Proposition 21 ensures appropriate punishment for juveniles convicted of these vicious offenses.

DON'T BE MISLED: *State law prohibits placing juveniles in contact with adult inmates and offers juveniles educational programs.* Proposition 21 doesn't change this!

DON'T BE DECEIVED: In 1994, the same *special interests* that today oppose Proposition 21 claimed the "Three Strikes"

law would raise your taxes and cost billions, without reducing crime. *Wrong!* According to the California Department of Justice, "Three Strikes" has **SAVED TAXPAYERS BILLIONS** while **DRAMATICALLY REDUCING ADULT CRIME**. *Furthermore, the two largest tax cuts in California history have occurred since "Three Strikes" passed overwhelmingly.*

Law enforcement officials throughout California witness daily the tragic consequences of violent juvenile crime. That's why they agree Proposition 21 is vital to protecting California communities.

Vote to reduce violent juvenile and gang related crime. Please vote yes on 21.

SHERIFF HAL BARKER

President, California Peace Officers Association

ELAINE BUSH

Former Director, California Mentor Initiative

COLLENE CAMPBELL (THOMPSON)

Founder, Memory of Victims Everywhere



Limit on Marriages. Initiative Statute.

Official Title and Summary Prepared by the Attorney General

LIMIT ON MARRIAGES. INITIATIVE STATUTE.

- Adds a provision to the Family Code providing that only marriage between a man and a woman is valid or recognized in California.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Probably no fiscal effect on the state or local governments.
-

Analysis by the Legislative Analyst



Background

Under current California law, “marriage” is based on a civil contract between a man and a woman. Current law also provides that a legal marriage that took place outside of California is generally considered valid in California. No state in the nation currently recognizes a civil contract or any other relationship between two people of the same sex as a marriage.

Proposal

This measure provides that only marriage between a man and a woman is valid or recognized in California.

Fiscal Effect

This measure would likely have no fiscal effect on the state or local governments.

For text of Proposition 22 see page 132



Limit on Marriages. Initiative Statute.

Argument in Favor of Proposition 22

Dear Fellow Voter:

I'm a 20-year-old woman voting for only the second time on March 7th. I'm proud, excited, and a bit nervous, because I take my civic responsibilities seriously. Not only that, but among millions of people supporting Proposition 22, the *Protection of Marriage Initiative*, I have the honor of writing you to explain why Californians should vote "Yes" on 22.

Proposition 22 is exactly 14 words long: *"Only marriage between a man and a woman is valid or recognized in California."*

That's it! No legal doubletalk, no hidden agenda. Just common sense: Marriage should be between a man and a woman.

It does not take away anyone's right to inheritance or hospital visitation.

When people ask, "Why is this necessary?" I say that even though California law already says only a man and a woman may marry, it also recognizes marriages from other states. However, judges in some of those states want to define marriage differently than we do. If they succeed, California may have to recognize new kinds of marriages, even though most people believe marriage should be between a man and a woman.

California is not alone in trying to keep marriage between a man and a woman. In 1996, *Democrats and Republicans in Congress overwhelmingly passed a bill* saying that the U.S. government defines marriage as between a man and a woman only, and said each state could do the same.

President Clinton signed the bill the day after he received it. So far, 30 states have passed laws defining marriage as between a man and a woman.

Now it's our turn, and I'm voting "Yes" on 22 to ensure that decisions affecting California are voted on by Californians . . . like us.

It's Our State, it should be Our Choice.

But some people today think marriage doesn't matter anymore. They say I have to accept that marriage can mean whatever anyone says it means, and if I don't agree then I'm out of touch, even an extremist.

My family taught me to respect other people's freedoms. Everyone should. But that's a two way street. If people want me to respect their opinions and lifestyles, then they should grant me the same courtesy by respecting MY beliefs. And I believe that marriage should stay the way it is.

It's tough enough for families to stay together these days. Why make it harder by telling children that marriage is just a word anyone can re-define again and again until it no longer has any meaning?

Marriage is an important part of our lives, our families and our future. Someday I hope to meet a wonderful man, marry and have children of my own. By voting "Yes" on 22, I'm doing *my part today* to keep that dream alive. *Please, for all future generations, vote "Yes" on 22.*

Miriam G. Santacruz

We couldn't have said it better! As representatives of *seniors, teachers and parents*, we're proud to join Californians from all walks of life voting "Yes" on 22.

JEANNE MURRAY

Field Director, 60 Plus Association

GARY BECKNER

Executive Director, Association of American Educators

THOMAS FONG

President, Chinese Family Alliance

Rebuttal to Argument in Favor of Proposition 22

THE HIDDEN AGENDA

The proponents of Proposition 22 want you to think that it is simple. That there is no "hidden agenda".

But if it's so simple, why are they spending millions of dollars to put this measure on the ballot and convince you to vote for something they say is "common sense"? Why are they spending millions of dollars to convince you to vote for something that is already law in California?

PROPOSITION 22 WILL HELP DENY HOSPITAL VISITATION RIGHTS

The proponents of Proposition 22 say that Proposition 22 doesn't deny hospital visitation or inheritance rights for lesbians and gays. But in Florida and Virginia, arch-conservative legal organizations have used similar laws as tools in court to deny lesbians and gays fundamental rights—like the right to visit a sick or injured partner in the hospital, the right to inheritance, or the right to health insurance.

A SOLUTION IN SEARCH OF A PROBLEM

You don't need to support marriage for lesbian and gay couples to oppose Proposition 22. As the proponents of Prop 22 admit, "California law already says only a man and a woman may marry." That won't change if Proposition 22 passes. Proposition 22 is just another needless law that allows government to interfere with our personal lives.

MARRIAGE MATTERS

Of course marriage matters. But so do fairness and tolerance. Proposition 22 will do nothing to strengthen our families, our communities, or to strengthen the commitment of couples involved in marriage. It will only divide California.

GIL GARCETTI

District Attorney, County of Los Angeles

DELAINE EASTIN

California State Superintendent of Public Instruction

THE RIGHT REVEREND WILLIAM E. SWING

Bishop of the Episcopal Diocese of California

Limit on Marriages. Initiative Statute.



Argument Against Proposition 22

The California Interfaith Alliance
The League of Women Voters of California
The California Teachers Association
Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Tom Campbell
Vice President Al Gore
Senator Bill Bradley
The California Republican League

And thousands of husbands, wives, mothers and fathers from across California oppose Proposition 22.

THE PURPOSE OF PROPOSITION 22 IS NOT TO BAN MARRIAGE FOR SAME-SEX COUPLES IN CALIFORNIA. IT IS ALREADY BANNED.

You don't need to support marriage for gay and lesbian couples to oppose Proposition 22, the "Knight Initiative". You just have to believe in a few basic values—keeping government out of our personal lives, respecting each other's privacy, and not singling out one group for discrimination or for special rights.

VOTING NO ON 22 WILL *NOT* LEGALIZE SAME-SEX MARRIAGE, NO MATTER WHAT THE SUPPORTERS OF PROPOSITION 22 SAY.

The real purpose is to use Proposition 22 as a tool in court to deny basic civil rights to lesbians and gays and their families. Proposition 22 will be used, as similar laws have been in other states, to deny the right of partners to visit their sick or injured companion in hospitals, to deny the right to inheritance, and even to deny the right of a remaining companion to live in their home.

PROPOSITION 22 WILL RESULT IN UNNECESSARY GOVERNMENT INTERFERENCE.

Whether we think homosexuality is right or wrong, we should stay out of other people's private lives and let people make their own decisions about moral values and commitments. Californians treasure our right to be left alone

and to lead our lives the way we wish. Adding more laws about private behavior and personal relationships isn't a solution to anything.

PROPOSITION 22 DIVIDES US. Californians have seen too many efforts in recent years to pick on specific groups of people and single them out for discrimination. Supporters of Proposition 22 are spending millions of dollars to convince you that basic rights should be denied to a group of Californians. They want us to believe that attacking same-gender couples will solve problems instead of causing them. But we've seen what spreading fear and hatred has already done. According to the Attorney General, more than 2,000 Californians were victimized by hate crimes last year alone. California has had enough of the politics of fear and hate. Voting "No" on 22 will send that message.

PROPOSITION 22 IS UNFAIR. Even when gay or lesbian couples have been together for many years, one companion often has no right to visit a sick or injured companion in the hospital. They often can't get basic health insurance for dependents. They have no inheritance rights. That's wrong. And Proposition 22 will make it more difficult to right this wrong—by singling out lesbians and gays for discrimination.

Proposition 22 doesn't solve any problems . . .

It adds more government interference to our lives . . .

It singles out one group for attack . . .

It tears us apart instead of bringing us together.

VOTE NO ON 22.

ANTONIO R. VILLARAIGOSA

Assembly Speaker, California State Legislature

THE RIGHT REVEREND WILLIAM E. SWING

Bishop of the Episcopal Diocese of California

KRYS WULFF

President, American Association of University Women, California

Rebuttal to Argument Against Proposition 22

We are proud to join Focus on the Family and nearly 700,000 California voters who signed petitions in support of Proposition 22. Here's why:

"Only marriage between a man and a woman is valid or recognized in California."

That's all Proposition 22 says, and that's all it does. It's just common sense.

Opponents say anybody supporting traditional marriage is guilty of extremism, bigotry, hatred and discrimination towards gays, lesbians and their families.

That's unfair and divisive nonsense.

THE TRUTH IS, we respect EVERYONE'S freedom to make lifestyle choices, but draw the line at re-defining marriage for the rest of society.

Opponents say Proposition 22 is unnecessary.

THE TRUTH IS, *UNLESS WE PASS PROPOSITION 22, LEGAL LOOPHOLES COULD FORCE CALIFORNIA TO RECOGNIZE "SAME-SEX MARRIAGES" PERFORMED IN OTHER STATES.*

That's why 30 other states and the federal government have passed laws to close these loopholes. California deserves the same choice.

Opponents claim 22 will take away hospital visitation and

inheritance rights, *even throw people out of their homes.*

THAT'S ABSOLUTELY FALSE! Do they really expect voters to believe that?

THE TRUTH IS, *PROPOSITION 22 DOESN'T TAKE AWAY ANYONE'S RIGHTS.*

Whatever you think of "same-sex marriages", we can all agree that our opponents' use of scare tactics and deceit is the wrong way to address important issues.

THE TRUTH IS, "YES" on 22 sends a clear, positive message to children that marriage between a man and a woman is a valuable and respected institution, now and forever.

PLEASE VOTE "YES" ON PROPOSITION 22.

DANA S. KRUCKENBERG

Board Member, California School Board Leadership Council

AMY WILLIAMS

First Vice-President, San Jose-Edison Parent Teacher's Organization

STAR PARKER

President, Coalition for Urban Renewal and Education



“None of the Above” Ballot Option. Initiative Statute.

Official Title and Summary Prepared by the Attorney General

“NONE OF THE ABOVE” BALLOT OPTION. INITIATIVE STATUTE.

- Provides that in general, special, primary and recall elections for President, Vice President, United States House of Representatives and Senate, Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Insurance Commissioner, Board of Equalization, State Assembly and State Senate, voters may vote for “none of the above” rather than a named candidate.
- Votes for “none of the above” shall be tallied and listed in official election results, but will not count for purposes of determining who wins election.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- Generally minor costs to state and county governments.
-



Background

Under current law, California voters who cast an election ballot for federal, state, or local offices select from a list of candidates seeking that elective position. In addition, voters may cast a write-in vote for a candidate whose name does not appear on the ballot. However, voters do not have the option of casting a ballot for “none of the above” instead of choosing a candidate.

Proposal

This measure would require that all election ballots for federal and state offices shown in Figure 1 provide voters with the option of voting for “none of the above.” A voter could cast a ballot for “none of the above” in a general, special, primary, or recall election for those offices. Elections for judges and local offices would not include the option of voting for “none of the above.”

Under this measure, only votes cast for candidates whose names appear on the ballot or for write-in candidates would be counted when determining the nomination or election of candidates for those state and federal offices. The number of voters selecting “none of the above” would be reported in official election returns but would not affect the outcome of the election.

Fiscal Effect

This measure would generally result in minor costs for the state and for county governments to modify their vote-counting and election-reporting procedures as a

result of adding the choice of “none of the above” to candidate election ballots.

Figure 1

Proposition 23 “None of the Above” Option For the Following Offices

President
Vice President
U.S. Senator
Member of the U.S. House of Representatives
Governor
Lieutenant Governor
Attorney General
Controller
Secretary of State
Treasurer
Superintendent of Public Instruction
Insurance Commissioner
Member of the State Board of Equalization
Member of the Assembly
State Senator

For text of Proposition 23 see page 132



“None of the Above” Ballot Option. Initiative Statute.

Argument in Favor of Proposition 23

We are three California citizens who usually don't vote. At times, we've wanted to protest the choices given to us, express our discontent over negative campaigning or object to the lack of relevant information about the candidates. Until now, the only way we could be heard was to simply not vote. Unfortunately, not voting doesn't get you heard, it just gets you labeled as apathetic.

If we had the option of voting for “none of the above,” we would have the opportunity to have our protest counted and our voices heard. More people like us would vote if they had a choice—to vote for a worthy candidate, or to vote for “none of the above” in an election where none of the candidates was worthy.

If Proposition 23 passes, the candidate with the most votes would still get the job. But, each vote would be meaningful—not just a decision between the “lesser of two evils.” If candidates knew that Californians could vote for “none of the above,” they might be more likely to run campaigns based on issues and positive messages rather than campaigns that simply attack opponents.

And, you'd find more of us at the polls, voting on *all* the issues and candidates.

We believe that having the option to vote for “none of the above” will accomplish several things:

- More citizens will register to vote.
- More registered voters will vote.
- Better candidates will be nominated.
- Negative campaigning will be reduced.

The ability to vote for “none of the above” is only one method of getting wider participation in the election process, and the cost to do so is negligible. Voter reform doesn't have to be complicated.

We urge a *YES* vote for Proposition 23.

AMANDA GUTWIRTH
Social Worker

DAVID JAMES
Small Business Owner

SUSAN HOWELL
Waitress

Rebuttal to Argument in Favor of Proposition 23

The proponents of this initiative hope that it will boost voter registration, increase voter turnout, improve the quality of candidates and reduce negative campaigning. These are commendable goals, and we support them all.

Unfortunately, in the one state (Nevada) where NOTA is used, it hasn't achieved any of them.

The reason is simple: voters quickly realize that casting a vote for NOTA is a waste, so after a brief flurry of interest in NOTA, voters stop using the option, and candidates continue behaving as before.

NOTA isn't the answer, but the problems this initiative attempts to address are real and serious: inadequate choice at the ballot booth, poor treatment of the issues and negative campaigning.

What can be done? We can promote reforms that give all voters a meaningful way to vote FOR their favorite candidate, which would encourage candidates to campaign on the issues.

Such reforms aren't pipe dreams: voters in Santa Clara County have already passed an initiative to allow the Instant Runoff, and because it saves money and reduces negative campaigning, several California cities are considering it.

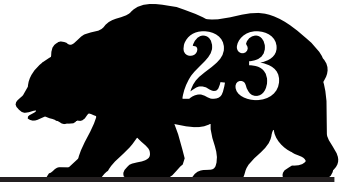
Most established democracies in the world use proportional representation combined with public financing of elections. Proportional representation creates true multi-choice democracy where more people win representation in the legislature. It also fosters positive debate of issues and produces policies that are more representative of the majority's will.

Vote NO on NOTA, and work for reforms that allow you to cast a vote that counts FOR your favorite candidate.

JOHN B. ANDERSON
1980 Independent Presidential Candidate

JULIE PARTANSKY
Mayor of Davis

“None of the Above” Ballot Option. Initiative Statute.



Argument Against Proposition 23

Ever feel like your vote didn't count very much? This initiative would just make things worse. It would give you the option of voting for None-of-the-Above (NOTA), but it's non-binding. What's the point?

Even if it were binding, NOTA is a poor substitute for true democracy. If you want to throw your vote away, DON'T VOTE. But if you do vote, you should be able to cast a meaningful vote for a candidate you like.

Polls show that most Californians are unhappy with the two major parties, and most Californians would like to see a credible third party. Unfortunately, this initiative would just draw votes away from candidates who are trying to provide credible alternatives to the major parties.

History has shown that new ideas and policy innovations—like the abolition of slavery and women's right to vote—often derive from third parties, so discouraging those candidates is a disservice to voters.

With our current winner-take-all voting system, if you are dissatisfied with the two major candidates, you are in a bind. You either settle for the “lesser of two evils,” or you cast a protest vote for the candidate you prefer, knowing your candidate has little chance of winning. NOTA just gives you an even worse option: voting for something that can't win, even if it gets the most votes.

Fortunately, there are a couple of PROVEN SOLUTIONS to this very real problem with our voting system.

The first is called the Instant Runoff, and it allows you to rank a first choice, a second choice and a third choice. It solves the “spoiler” problem, because if your first choice candidate is defeated, your vote counts for your second choice. It also saves the cost of runoff elections, because it

produces a majority winner in a single election. As an added bonus, the Instant Runoff promotes coalition building and positive, issue-oriented campaigning.

Because the Instant Runoff saves tax dollars and gives voters more choice, legislation for the Instant Runoff is pending in several California cities, and has been introduced at the state level in Alaska, New Mexico and Vermont.

The second is called Proportional Representation, which is the common sense notion that all Californians deserve representation, not just the biggest group in a town or election district. Proportional representation is like applying the free market to the political marketplace: it would give voters the multiplicity of choices that we demand as consumers. It's also a form of campaign finance reform. Candidates need a lower percentage of votes to win, so they can concentrate on promoting their issues and policies to their likely supporters instead of promising everything to everybody and standing for nothing.

To learn more about these reforms, visit the website of the non-partisan Center for Voting and Democracy: www.fairvote.org.

Unlike NOTA, these reforms will give voters real choices and more power. Vote NO on 23, and join the Green Party in working for real reforms that give all Californians a meaningful vote.

SARA AMIR
Spokesperson, Green Party of California

JOHN STRAWN
Spokesperson, Green Party of California

DONA SPRING
City Councilmember, Berkeley

Rebuttal to Argument Against Proposition 23

The point of Proposition 23 is that it offers a *real option* to California voters. The opportunity to vote for “None of the Above” gives a voter a choice if he or she does not want to vote for any of the candidates that are on the ballot for a particular office. Proposition 23 provides an alternative for voters that will be counted and recorded if none of the candidates are deemed worthy.

It makes no sense to argue against Proposition 23 by trying to confuse voters by talking about alternatives that are not even on the ballot. Proposition 23 is clear and simple—don't make it complicated. Vote “Yes” on Proposition 23.

ALAN F. SHUGART
Businessman



PROPOSITION 24 REMOVED

BY ORDER OF THE

CALIFORNIA SUPREME COURT.



PROPOSITION 24 REMOVED

BY ORDER OF THE

CALIFORNIA SUPREME COURT.



Election Campaigns. Contributions and Spending Limits. Public Financing. Disclosures. Initiative Statute.

Official Title and Summary Prepared by the Attorney General

ELECTION CAMPAIGNS. CONTRIBUTIONS AND SPENDING LIMITS. PUBLIC FINANCING. DISCLOSURES. INITIATIVE STATUTE.

- Expands campaign contribution disclosure requirements, establishes contribution limits from single sources of \$5,000 for statewide candidates, \$3,000 for other candidates, \$25,000 for political parties, and \$50,000 total per election. Bans corporate contributions. Limits fund-raising to period 12 months before primary election and ninety days after election.
- Provides public financing of campaign media advertisements and voter information packets for qualifying candidates and ballot measure committees adopting spending limits ranging from \$300,000 for Assembly primary race to \$10,000,000 for Governor's race.
- Requires ballot pamphlet to list top contributors on ballot measures.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- State costs of more than \$55 million annually, potentially offset to an unknown extent.
 - Local government costs of potentially several million dollars annually.
-



BACKGROUND

Political Reform Laws. The Political Reform Act of 1974, approved by California voters in that year, established campaign finance disclosure requirements for candidate and ballot measure election campaigns. Specifically, it required candidates for state and local office, as well as proponents and opponents of ballot measures, to report contributions received and expenditures made on their campaigns. These reports are filed with the Secretary of State's office, local officials, or both. The Fair Political Practices Commission (FPPC) is the state agency primarily responsible for enforcing the law.

In November 1996, California voters approved Proposition 208, an initiative that amended the Political Reform Act to establish limits on campaign contributions to candidates, voluntary limits on campaign spending, and rules on when fund-raising can occur. The measure also required identification of certain donors in campaign advertisements for and against ballot measures.

A lawsuit challenging Proposition 208 resulted in a court order in January 1998 blocking enforcement of its provisions. At the time this analysis was prepared, this lawsuit was still pending and Proposition 208 had not been implemented.

Ballot Pamphlet and Sample Ballot. Each household with a registered California voter is mailed before each statewide election a ballot pamphlet prepared by the Secretary of State. The pamphlet contains information on measures placed on the ballot by the Legislature as well as ballot initiative and referendum measures placed before voters through signature gathering.

State law also directs county elections officials to prepare and mail to each voter a sample ballot listing the candidates and ballot measures.

PROPOSAL

This measure revises state laws on political campaigns for candidates and ballot measures beginning in 2001. Specifically, the measure:

- Limits financial contributions to support candidates for state or local elective office and prescribes when fund-raising for state candidates can occur.
- Establishes voluntary campaign spending limits for state candidates and ballot initiative campaigns.
- Provides public funding for broadcast advertising and voter information packets mailed to voters for certain state candidates and ballot initiative campaigns that have accepted voluntary campaign spending limits.
- Requires establishment of Internet web sites to display information on state political campaigns and some local political campaigns, finances, and advertising authorized by campaigns.

- Establishes new advertising and financial disclosure requirements for state and local campaigns.
- Requires state verification of contributions from major donors.
- Makes it illegal under any circumstances to provide or offer compensation to someone to vote.

Some provisions of this measure are similar to those enacted in 1996 by Proposition 208 which have not gone into effect because of an ongoing lawsuit.

The major provisions of Proposition 25 are described below.

Campaign Contribution Limits

This measure places limits on financial contributions to campaigns for state and local candidates. The major contribution limit provisions are shown in Figure 1. These limits would be adjusted for inflation.

Figure 1

Proposition 25
Campaign Contribution Limits

Contributor	Candidate for:	
	Legislative and Local Elective Office	Statewide Office
Individual donation to a candidate	\$3,000 per election.	\$5,000 per election.
Donation of personal funds to own campaign	No limits.	No Limits.
Political party	No more than 25 percent of voluntary spending limits established by this measure, per election.	No more than 25 percent of voluntary spending limits established by this measure, per election.
Political action committees	\$3,000 per election.	\$5,000 per election.
For-profit corporations	Prohibited.	Prohibited.
Transfer from another campaign committee	Prohibited.	Prohibited.

Except for contributions to political parties, no person could contribute a combined total of more than \$50,000 per election to state candidates. Other provisions of this measure limit contributions to political parties, political committees not directly controlled by candidates, ballot measure campaigns, and loans to candidates.

Candidates for statewide office generally could not begin to accept contributions for their election campaigns until within 12 months before the primary election. The period would be six months for other state offices. Contributions generally could not be accepted more than 90 days after the election.

This measure further provides that more restrictive campaign contribution limits established under Proposition 208 would override this measure and take effect if the court allows Proposition 208 to go into effect.

Voluntary Spending Limits

This measure establishes a system of voluntary spending limits for state candidates and ballot initiative

campaigns. Specifically, a candidate or ballot initiative committee would be required to file a statement at the beginning of the campaign declaring whether it will accept or reject the limits. The major spending limit provisions are shown in Figure 2. These limits would be adjusted for inflation.

Figure 2

**Proposition 25
Voluntary Spending Limits**

Election Contest	Election	
	Primary	General
Assembly	\$300,000	\$400,000
Senate or Board of Equalization Member	500,000	800,000
Governor	6,000,000	10,000,000
Other statewide offices	1,500,000	2,000,000
State ballot initiative	\$6,000,000 per election	

The voluntary spending limits applying to a specific elective office or a state ballot initiative campaign would increase by two and a half times the dollar amount of the initial limits if opposing campaigns exceeded certain specified fund-raising or campaign spending levels. Any candidate or ballot initiative campaign which violated a pledge to abide by the voluntary spending limits would be subject to a fine.

Publicly Funded Campaign Assistance

A candidate for statewide office or a campaign for or against a state ballot initiative that accepts the voluntary spending limits with specified exceptions could receive public funding in the form of credits for broadcast media advertising. A candidate for Governor or a state ballot initiative campaign could receive credits worth up to \$1 million per election, while candidates for other statewide offices could receive credits worth up to \$300,000 per election. A campaign receiving many small contributions would receive more credits than one with fewer but larger contributions. The credits would be allocated on a first-come, first-served basis until the funds set aside for this purpose are exhausted.

In addition to public funding for broadcast advertising, a candidate for any state office and any state initiative campaign that accepted voluntary spending limits could participate free of charge in a voter information packet program. A campaign refusing to accept the spending limits could choose to participate by sharing in the cost of the packets. The packets would be assembled and mailed by the Secretary of State at four specified times before each election.

A candidate would have to collect a specified number of valid signatures of registered voters to qualify for public assistance during the *primary election*. The level of public assistance provided during the subsequent *general election* would depend upon a candidate's share of the primary election vote.

State candidates and ballot initiative committees that agree to voluntary spending limits would be so designated in the voter information packets as well as in the regular ballot pamphlet prepared by the Secretary of State and the sample ballots prepared by local elections officials.

Campaign Web Site

This measure directs the Secretary of State to establish and maintain a Campaign Web Site on the Internet to provide specified information on state candidates and state ballot measure campaigns. Copies of campaign advertisements, information about the candidates, and financial disclosure reports would be made accessible to the public through the Internet web site within 24 hours of their receipt. Links would also be provided to web sites established by campaign committees.

Campaign information would be similarly disclosed for some local election campaigns beginning in 2002. The Secretary of State would provide this information on the state web site after that date if local elections officials lacked the technological capability to do so.

Campaign Advertising and Financial Disclosures

This measure requires that state candidates and state ballot measure committees provide earlier financial disclosure through reports of contributions of \$1,000 or more and expenditures in excess of certain specified levels. Certain candidates and ballot measure committees would have to disclose in their campaign advertising their top two financial donors, the use of a paid spokesperson, and the amount spent by the campaign to date. Additional disclosure requirements would be established for so-called "slate mailers," campaign mass mailings that contain recommendations on candidates and ballot measures.

Ballot pamphlets mailed to voters would also list the top five contributors over \$25,000 for and against a ballot measure. Petitions for state or local ballot measures would include a statement indicating whether the individual circulating the petition is paid or a volunteer.

Provisions Affecting Major Donors

Under existing law, so-called major donors who make political contributions with a combined total of \$10,000 or more in a year must file reports listing their contributions. Under this measure, only someone contributing a combined total of \$100,000 or more would have to file such reports. However, the Secretary of State would be required to compile the names of all persons who gave \$10,000 or more per year to state candidates or ballot measure committees. Such donors would be sent forms to verify their contributions and could be fined for failure to complete them in a timely manner.

Compensation for Voting Prohibited

State law already makes it illegal to pay someone to vote for or against a specific candidate or ballot measure. This measure would also make it illegal under any circumstances to pay someone to vote in an election. Thus, it would become illegal to pay someone to vote even if the voter was not paid to vote for or against a specific candidate or ballot measure.

FISCAL EFFECT

This measure would result in significant net costs for state and local governments, which are discussed below.

Publicly Funded Campaign Assistance. This measure requires that \$1 for every state income taxpayer be appropriated annually from the state General Fund to pay for broadcast advertising credits. We estimate this would result in an annual state cost of about \$17 million.

The Secretary of State has estimated that the cost for coordinating, producing, and mailing the voter information packets would probably be about \$35 million annually. These costs would be partly offset by an unknown amount of revenue from campaigns which agreed to pay to participate in the voter information packet program.

Additional Secretary of State Implementation Costs. The Secretary of State would likely incur additional costs of several million dollars annually to fulfill the other requirements of this measure. These costs are likely to significantly exceed the initial appropriation of \$1.5 million and ongoing appropriations of \$750,000 to the Secretary of State provided in the measure. The Secretary of State would primarily incur these costs to establish the Campaign Web Site, to track and fine major donors, to certify the campaigns eligible for public assistance, and to reimburse counties for verifying signatures submitted to qualify for public assistance. The process of verifying major donors would

generate revenue through fines thereby offsetting these state costs to an unknown amount.

FPPC Implementation. The FPPC has estimated that it may need as much as \$600,000 annually in additional funding beyond the \$1 million appropriation provided in this measure to establish necessary regulations, to provide technical assistance to the public, and to prosecute violators of the proposed new law. These state costs would be offset by an unknown amount to the extent that enforcement of various provisions of the measure results in the collection of fines from campaigns.

Local Government. City and county governments could incur significant costs, potentially exceeding several millions of dollars annually on a statewide basis, to implement this measure primarily for maintaining local campaign web sites. To the extent that city and county governments lacked the technological capability to implement these provisions, local government costs would be lower but state costs to provide this information would increase.

For text of Proposition 25 see page 135



Election Campaigns. Contributions and Spending Limits. Public Financing. Disclosures. Initiative Statute.

Argument in Favor of Proposition 25

WHY DO WE NEED PROPOSITION 25?

- California is one of only six states with ABSOLUTELY NO LIMITS on the source or size of political contributions. Candidates can receive checks for \$1 MILLION or even more! Our government has been corrupted by BIG MONEY.
- Last election, California gambling casinos and Nevada gambling casinos spent over ONE HUNDRED MILLION DOLLARS (\$100,000,000.00) fighting for control of organized gambling in California—casinos gave millions to Democrats and millions to Republicans. Government should be of the people, by the people, and for the people, NOT OF THE GAMBLING CASINOS, BY THE GAMBLING CASINOS, and FOR THE GAMBLING CASINOS.
- Public figures get huge cash payments to endorse or oppose campaigns. Last election, a consumer advocate opposed the utility rate-cut initiative and got over \$160,000 from utility companies; a former state schools official opposed the tobacco tax initiative and got \$90,000 from tobacco companies. We often don't find out about such payments until after the election.

WHAT WILL PROPOSITION 25 DO?

- Prohibits paying people to vote or not vote.
- Requires immediate Internet disclosure of political contributions of \$1,000 or more.
- Requires immediate Internet disclosure of television, radio, print, or mail advertisements.
- Provides strict contribution limits of \$5000 or less, limits which will survive any legal challenge.
- Bans corporate contributions to candidates, just like federal law has for almost 100 years.
- Provides free television and radio time to statewide campaigns which agree to limit spending.
- Requires individuals in advertisements to disclose whether they are being paid by a campaign or its major donors.
- Requires statewide campaigns which exceed voluntary spending limits to disclose their spending total in all advertisements.
- Prevents endless fundraising by elected officials while

they're voting on important bills—statewide candidates can't begin fundraising until one year before their primary, legislative candidates six months before their primary.

- Restricts "soft money," stopping its unlimited use for electronic media or candidate advertisements.

WHAT WILL PROPOSITION 25 COST?

- The initiative limits public funding to just ONE DOLLAR EACH YEAR PER CALIFORNIA TAXPAYER. It's worth spending a dollar a year to BUY BACK OUR GOVERNMENT from special interests which control it!
- Our politicians should answer to taxpayers not gambling casinos and tobacco companies.
- Political reform will SAVE taxpayers and consumers BILLIONS OF DOLLARS by limiting tax breaks and sweetheart deals for big campaign contributors.

HOW WILL PROPOSITION 25 CLOSE LOOPHOLES AND LEVEL THE PLAYING FIELD?

- Under Section 85309, ALL subsidiaries of a business and ALL locals of a union are treated as one donor for contribution limit purposes; this prevents different subsidiaries and locals from EACH giving maximum contributions.
- Section 89519 forces candidates to liquidate their campaign war chests after every election, meaning all candidates start even after every vote.

WHO SUPPORTS PROPOSITION 25?

- A coalition of Democrats, Republicans, third party members, and independents who want to stop corruption, including Republican Senator John McCain and California Common Cause.

WHO OPPOSES PROPOSITION 25?

- Special interests who want to keep control of OUR government.

VOTE YES ON 25.

JAMES K. KNOX

Executive Director, California Common Cause

RON UNZ

Chairman, Voters Rights 2000—Yes on 25

TONY MILLER

Former Acting Secretary of State

Rebuttal to Argument in Favor of Proposition 25

Some questions proponents are hoping you *don't* ask . . .

- WHAT ELSE HAS COMMON CAUSE SAID ABOUT PROP. 25?

"The contribution limits would be the highest in the nation . . . Worst of all, there is a huge 'soft money' loophole."—California Common Cause Newsletter, Spring 1999

"The measure would allow unlimited contributions to the state parties."—California Common Cause Press Release, March 25, 1999

- WHY IS THE LEAGUE OF WOMEN VOTERS—one of California's leading campaign finance reform advocates—OPPOSING PROP. 25?

While the League of Women Voters supports public financing for candidates, they oppose Prop. 25's taxpayer financing of initiative campaigns. More importantly, *they want fair and equitable reform that levels the playing field and Prop. 25 does the opposite.* It lets special interests flood our system with unlimited money and influence.

- WHO ELSE OPPOSES PROP. 25?

Taxpayer and consumer organizations, seniors, campaign reform experts, business, labor, Democrats, Republicans, Independents, Taxpayers for Fair Elections and everyday

Californians who want a fair and level playing field.

- WHY DOES THE STATE'S INDEPENDENT LEGISLATIVE ANALYST ESTIMATE PROP. 25 WILL COST TAXPAYERS MORE THAN \$55 MILLION ANNUALLY?

Because it uses public funds to pay for political advertising. *Californians would become the first state taxpayers forced to subsidize the cost of initiative campaign advertising.*

- WHY IS PROP. 25 A CURE WORSE THAN THE DISEASE?

It gives *wealthy candidates* an even *greater advantage.* It contains an UNFAIR LOOPHOLE that lets special interests circumvent contribution limits. It could force a \$55+ MILLION ANNUAL TAX INCREASE on Californians. VOTE NO!

LARRY MCCARTHY

President, California Taxpayers' Association

WAYNE JOHNSON

President, California Teachers Association

ALLAN ZAREMBERG

President, California Chamber of Commerce

Election Campaigns. Contributions and Spending Limits. Public Financing. Disclosures. Initiative Statute.



Argument Against Proposition 25

We need to *clean up* California's political system, *not* add more problems to the mix.

Proposition 25 is a classic example of a CURE THAT'S WORSE THAN THE DISEASE. It includes some positive changes, but unfortunately, this 24-PAGE INITIATIVE contains TOO MANY LOOPHOLES and provisions that will ADD TO THE ABUSES and LEAVE TAXPAYERS FOOTING THE BILL.

California taxpayer organizations, government accountability groups and campaign finance experts have taken a close look at Prop. 25. Here's what they've found:

- A \$55 MILLION ANNUAL TAX INCREASE TO FUND POLITICAL ADS

If you like those political ads you get bombarded with every election, you'll love Prop. 25 because if it passes, *you'll get to PAY for those ads*—even ads with which you disagree. Prop. 25 includes a MANDATORY TAXPAYER SUBSIDY TO FINANCE POLITICAL ADVERTISING. If approved, it would become the first state law in the country to force taxpayers to subsidize political advertising for initiative campaigns.

Read the fiscal impact summary by the state's independent Legislative Analyst. FIFTY-FIVE MILLION TAX DOLLARS WITH AUTOMATIC INCREASES EVERY YEAR. This is not a voluntary check-off on your tax form. The only say you have in the matter is a vote on Prop. 25. If it passes, your tax dollars *will* be used to finance political ads. That means a TAX INCREASE or CUTS TO EDUCATION and other services to pay for it.

- PROP. 25 IS THE MILLIONAIRE CANDIDATE'S BEST FRIEND

Just ask the millionaire candidate who wrote it. It limits the money all but one type of candidate can raise from individuals. MILLIONAIRE CANDIDATES LIKE PROP. 25's SPONSOR ARE EXEMPTED from the initiative's contribution limit so they can spend unlimited amounts of their own money to get

elected. Prop. 25 will make politics even more of a rich man's game and give wealthy people and incumbents a huge advantage against new challengers.

- PROP. 25 LOCKS SPECIAL INTEREST LOOPHOLES DIRECTLY INTO STATE LAW

Prop. 25 will legally protect the ability of special interests to dominate our political system. It was drafted to allow special interests to give an unlimited amount of money—known as “soft money”—to political parties. *If Prop. 25 passes, special interests will not only be able to avoid campaign contribution limits, they'll be able to do so under the protection of state law.* That's why traditional supporters of campaign finance reform initiatives are opposing this one.

- PROP. 25 IS ANOTHER FULL EMPLOYMENT ACT FOR LAWYERS

This 24-page initiative contains provisions that have already been found unconstitutional elsewhere and will undoubtedly lead to more costly lawsuits. Just what we need, another initiative headed straight for the courts.

Prop. 25 has some good things in it, but we don't get to pick and choose which ones we want. Overall, Prop. 25's BAD PROVISIONS and LOOPHOLES make it a cure worse than the disease. Prop. 25 will *not* clean up politics. It will ADD TO THE ABUSES and LEAVE TAXPAYERS FOOTING A \$55 MILLION ANNUAL BILL.

VOTE NO on 25!

DANIEL LOWENSTEIN

*Former Chair, California Fair Political Practices
Commission*

PETER J. KANELOS

President, Responsible Voters for Lower Taxes

LOIS WELLINGTON

President, Congress of California Seniors

Rebuttal to Argument Against Proposition 25

As usual, the special interests are trying to fool you.

Proposition 25 costs us only about \$1 per year, a cheap price to clean up politics in California.

The opponents' arguments are not the REAL reasons why they oppose the initiative.

Our REAL opponents—the big corporations, big unions, and others spending millions to defeat our campaign reform initiative—are the ones who write our elected officials checks for \$100,000 or \$200,000 or even more.

Of course they oppose campaign reform. They always have. They always will.

They own our government and they don't want the people of California to buy it back.

- Proposition 25 LIMITS TOTAL PUBLIC FUNDING FOR CAMPAIGNS TO JUST \$1 PER TAXPAYER PER YEAR. Candidates don't get ANY taxpayer money—they get LIMITED free air time IF they agree to limit their spending.
- Proposition 25 requires immediate Internet disclosure of all contributions of \$1,000 or more.

- Proposition 25 puts severe restrictions on the amount of money that millionaire candidates can spend on their own campaigns, and restricts the amount of money which can be given to political parties or candidates.
- Proposition 25 bans corporate contributions to candidates.
- Proposition 25 forces campaigns to tell the voters in their advertisements how much they're spending.
- Proposition 25 will give California one of the least corrupt election systems in America, and create an important model for national campaign finance reform.

Don't be fooled by the special interests. Take back our government for \$1 per year. Vote YES on Proposition 25!

MARCH FONG EU

Former California Secretary of State

THOMAS K. HOUSTON

*Former Chair, California Fair Political Practices
Commission*

DONALD KENNEDY

Former President, Stanford University



School Facilities. Local Majority Vote. Bonds, Taxes. Initiative Constitutional Amendment and Statute.

Official Title and Summary Prepared by the Attorney General

SCHOOL FACILITIES. LOCAL MAJORITY VOTE. BONDS, TAXES. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

- Authorizes school, community college districts, and county education offices that evaluate safety, class size, information technology needs to issue bonds for construction, reconstruction, rehabilitation or replacement of school facilities if approved by majority of applicable jurisdiction's voters.
- New accountability requirements include annual performance, financial audits.
- Prohibits use of bonds for salaries or other school operating expenses.
- Requires that facilities be available to public charter schools.
- Authorizes property taxes higher than existing 1% limit by majority vote, rather than two-thirds currently required, as necessary to pay the bonds.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Increased local school district debt costs—potentially in the hundreds of millions of dollars statewide each year within a decade. These costs would depend on voter action on future local school bond issues and would vary by individual district.
- Unknown impact on state costs. Potential longer-term state savings to the extent local school districts assume greater responsibility for funding school facilities.

Analysis by the Legislative Analyst

BACKGROUND

Property Taxes

The California Constitution limits property taxes to 1 percent of the value of property. Property taxes may only exceed this limit to pay for (1) any local government debts approved by the voters prior to July 1, 1978 or (2) bonds to buy or improve real property that receive two-thirds voter approval after July 1, 1978.

School Facilities

Kindergarten Through Twelfth Grade (K-12). California public school facilities are the responsibility of over 1,000 school districts and county offices of education. Over the years, the state has provided a significant portion of the funding for these facilities through the state schools facilities program. Most recently, this program was funded with \$6.7 billion in state general obligation bonds approved by the voters in November 1998.

Under this program, the state generally pays:

- 50 percent of the cost of new school facilities.
- 80 percent of the cost of modernizing existing facilities.
- 100 percent of the cost of either new facilities or modernization in "hardship cases."

In addition to state bonds, funding for school facilities has been provided from a variety of other sources, including:

- School district general obligation bonds.
- Special local bonds (known as "Mello-Roos" bonds).
- Fees that school districts charge builders on new residential, commercial, and industrial construction.

Community Colleges. Community colleges are part of the state's higher education system and include 107 campuses operated by 72 local districts. Their facilities are funded differently than K-12 schools. In recent years, most facilities for community colleges have been funded 100 percent by the state generally using state bonds. The state funds are available only if appropriated by the Legislature for the specific facility. There is no requirement that local community college districts provide a portion of the funding in order to obtain state funds. Community college districts also may fund construction of facilities with local general obligation bonds or other nonstate funds if they so choose.

Charter Schools

Charter schools are independent public schools formed by teachers, parents, and other individuals and/or groups. The schools function under contracts or "charters" with local school districts, county boards of education, or the State Board of Education. They are exempt from most state laws and regulations affecting public schools.

As of October 1999, there were 252 charter schools in California, serving about 88,000 students (less than 2 percent of all K-12 students). The law permits an additional 100 charter schools each year until 2003, at which time the charter school program will be reviewed by the Legislature. Under current law, school districts must allow charter schools to use, at no charge, facilities not currently used by the district for instructional or administrative purposes.

PROPOSAL

This proposition (1) changes the State Constitution to lower the voting requirement for passage of local school bonds and (2) changes existing statutory law regarding charter schools facilities. The local school jurisdictions affected by this proposition are K-12 school districts, community college districts, and county boards of education.

Voting Requirement for Passage of Local School Bonds

This proposition allows (1) school facilities bond measures to be approved by a *majority* (rather than *two-thirds*) of the voters in local elections and (2) property taxes to exceed the current 1 percent limit in order to repay the bonds.

This majority vote requirement would apply only if the local bond measure presented to the voters includes:

- A requirement that the bond funds can be used only for construction, rehabilitation, equipping of school facilities, or the acquisition or lease of real property for school facilities.
- A specific list of school projects to be funded and the school board certifies it has evaluated safety, class size reduction, and information technology needs in developing the list.
- A requirement that the school board conduct annual, independent financial and performance audits until all bond funds have been spent to ensure that the bond funds have been used only for the projects listed in the measure.

Charter Schools Facilities

This proposition requires each local K-12 school district to provide charter schools facilities sufficient to accommodate the charter school's students. The district, however, would not be required to spend its general discretionary revenues to provide these facilities for charter schools. The district, however, could choose to use these or other revenues—including state and local bonds.

The proposition also provides that:

- The facilities must be reasonably equivalent to the district schools that these students would otherwise attend.
- The district may charge the charter school for its facilities.
- A district may decline to provide facilities for a charter school with a current or projected enrollment of fewer than 80 students.

FISCAL EFFECT

Local School Impact

This proposition would make it easier for school bonds to be approved by local voters. For example between 1986 and June 1999:

- **K-12 Schools.** K-12 bond measures totaling over \$17 billion received the necessary two-thirds voter approval.

During the same period, however, almost \$11 billion of bonds received over 50 percent—but less than two-thirds—voter approval and therefore were defeated.

- **Community Colleges.** Local community college bond measures totaling almost \$330 million received the necessary two-thirds voter approval. During the same period, though, almost \$390 million of bonds received over 50 percent—but less than two-thirds—voter approval and therefore were defeated.

Districts approving bond measures that otherwise would not have been approved would have increased debt costs to pay off the bonds. The magnitude of these local costs is unknown, but on a statewide basis could be in the hundreds of millions of dollars annually within a decade.

State Impact

The proposition's impact on state costs is less certain. In the near term, it could have varied effects on demand for state bond funds. For instance, if more local bonds are approved, fewer local jurisdictions would qualify for hardship funding by the state. In this case, state funding would be reduced from 100 percent to 50 percent of the cost for a new local school. On the other hand, there are over 500 school jurisdictions that do not currently participate in the state school facilities program. To the extent the reduced voter-approval requirement encourages some of these districts to participate in the state program, demand for state bond funds would increase.

In the longer run, the proposition could have a more significant impact on state costs. For instance, its approval could result in local districts assuming greater funding responsibility for school facilities. If this occurred, the state's debt service costs would decline over time.

The actual impact on state costs ultimately would depend on the level of state bonds placed on the ballot in future years by the Legislature and Governor, and voters' decisions on those bond measures.

Charter Schools

The requirement that K-12 school districts provide charter schools with comparable facilities could increase state and local costs. As discussed above, districts are currently required to provide facilities for charter schools only if unused district facilities are available. The proposition might lead many districts to increase the size of their bond issues somewhat to cover the cost of facilities for charter schools. This could also increase state costs to the extent districts apply for and receive state matching funds. The amount of this increase is unknown, as it would depend on the availability of existing facilities and the number and types of charter schools.

For text of Proposition 26 see page 143



School Facilities. Local Majority Vote. Bonds, Taxes. Initiative Constitutional Amendment and Statute.

Argument in Favor of Proposition 26

LET'S INVEST IN OUR KIDS AND HELP MAKE SCHOOL BOARDS ACCOUNTABLE

Remember when you were in school? The fun, the fears, the homework. Forty of your friends packed into one classroom.

That's right. Today, California classrooms are among the most crowded in the nation, many are in desperate need of repair and most still need to be wired for the Internet and the learning technologies of the 21st century.

PROP. 26 GUARANTEES THAT TAXPAYERS WILL KNOW EXACTLY HOW THEIR MONEY WILL BE SPENT BEFORE THEY VOTE ON LOCAL SCHOOL BONDS

We all want the best education for our kids. But we also want to make sure that our education dollars are spent wisely. Prop. 26 lets us have both. It makes it easier for local communities to invest in their schools and adds tough new accountability requirements that aren't in place now.

THAT'S WHY PROP. 26 IS BACKED BY SUCH RESPECTED GROUPS AS AARP, LEAGUE OF WOMEN VOTERS, CALIFORNIA STATE PTA, CALIFORNIA MANUFACTURERS ASSOCIATION, CALIFORNIA ORGANIZATION OF POLICE AND SHERIFFS, CALIFORNIA TEACHERS ASSOCIATION, CHAMBER OF COMMERCE, CALIFORNIA BUSINESS ROUNDTABLE AND CONGRESS OF CALIFORNIA SENIORS.

Californians are tired of tax dollars being wasted. That's why Prop. 26 requires local school districts to list in advance how the money from local school bonds will be spent. If Prop. 26 passes, all voters will receive the list before you vote on your next local school bond. And Prop. 26 prohibits bond money from being used for administration and salaries. That means money for our kids, not bureaucrats.

INDEPENDENT AUDITS WILL HELP ENSURE SCHOOL FUNDS ARE SPENT PROPERLY AND NOT WASTED ON BUREAUCRACY

This initiative requires independent audits twice a year to help make sure the money has been spent properly and as the school district promised. These financial and performance audits will help guarantee the project gets done right. We need these safeguards to ensure that bond money goes to classrooms, where it belongs.

PROP. 26 WILL HELP REDUCE CLASS SIZE FOR ALL OUR KIDS

Smaller class sizes in grades kindergarten through third is one school reform that has proven to work. Kids just cannot get the attention they need in packed classrooms. Prop. 26 makes it easier for local communities to build new schools or add new classrooms so we can reduce class size. For class size reduction to help our kids achieve more, we need to build more classrooms for our kids.

PROP. 26 WILL LET A MAJORITY IN YOUR COMMUNITY DECIDE HOW MUCH TO INVEST IN LOCAL SCHOOLS

Prop. 26 does not raise taxes. It allows a majority in each community to decide for itself how much to invest in their kids—like whether or not to build new classrooms or to repair crumbling school buildings.

To help fix our schools and ensure education dollars are spent wisely, please join us in voting YES on Prop. 26—a good investment in our children, our state, and our future.

LAVONNE McBROOM
President, California PTA

ALLAN ZAREMBERG
President, California Chamber of Commerce

WAYNE JOHNSON
President, California Teachers Association

Rebuttal to Argument in Favor of Proposition 26

Vote NO on Proposition 26.

PROPOSITION 26 MEANS HIGHER PROPERTY TAXES!

If Proposition 26 passes, you will **LOSE THE TWO-THIRDS VOTE CONSTITUTIONAL PROTECTION AGAINST EXCESSIVE TAXES ON YOUR HOME.**

Proposition 26 will make it easy for property taxes to go up **AGAIN and AGAIN** because **LOCAL BONDS INCREASE PROPERTY TAXES!**

The wealthy special interests behind Proposition 26 *claim* it will allow more "investment." But the truth is: **TAXPAYERS ARE ALREADY INVESTING AT A RECORD RATE.** Since 1996, voters approved over \$11.8 BILLION in LOCAL school bonds with a TWO-THIRDS vote!

Proposition 26 backers *claim* it has accountability. **WHAT ACCOUNTABILITY?**

Under **CURRENT LAW**, school bonds **CANNOT BE USED FOR TEACHER OR ADMINISTRATOR SALARIES. ANNUAL AUDITS** of school district funds are **ALREADY REQUIRED.**

PROPOSITION 26 DOESN'T IMPOSE PENALTIES for politicians and bureaucrats who misspend taxpayer dollars on projects like the **BELMONT SCHOOL FIASCO** in Los Angeles!

DOESN'T REQUIRE environmental safeguards for school sites. We can't afford more disasters like **BELMONT.**

DOESN'T REQUIRE school facilities be adequately maintained.

DOESN'T REQUIRE that student scores get better. **HOMEOWNERS WILL STILL PAY HIGHER TAXES** even if student performance lags.

DOESN'T REQUIRE citizen oversight of bond spending. Do you trust politicians without citizen oversight?

Homeowners, seniors, taxpayer organizations, consumer advocates, small businesses and the **CALIFORNIA FEDERATION OF TEACHERS OPPOSE PROPOSITION 26.**

Don't saddle our **CHILDREN and FUTURE GENERATIONS** with **LONG-TERM DEBT.**

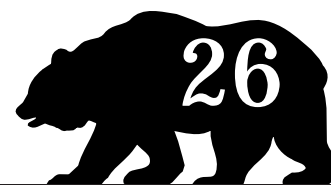
VOTE NO ON HIGHER PROPERTY TAXES!
VOTE NO ON PROPOSITION 26!

JON COUPAL
Chairman, Don't Double Your Property Taxes, Vote No on Proposition 26, a Project of the Howard Jarvis Taxpayers Association

JOAN C. LONGOBARDO
Governing Board Member, Covina-Valley Unified School District

GIL A. PEREZ
Retired School District Administrator

School Facilities. Local Majority Vote. Bonds, Taxes. Initiative Constitutional Amendment and Statute.



Argument Against Proposition 26

Vote NO on Proposition 26.

PROPOSITION 26 MEANS HIGHER PROPERTY TAXES!

Passing Proposition 26 will hurt homeowners because it makes it very easy to RAISE PROPERTY TAXES, over and over again.

IF PROPOSITION 26 PASSES, YOU WILL LOSE A 120-YEAR OLD CONSTITUTIONAL PROTECTION that requires a TWO-THIRDS vote to approve local bonds that are repaid only by PROPERTY OWNERS through HIGHER TAXES!

Proposition 26 means 50% of those voting can pass expensive new bonds that ONLY PROPERTY TAXPAYERS MUST PAY OFF.

PROPOSITION 26 WILL RESULT IN PASSAGE OF MORE THAN 9 OUT OF 10 BONDS! Supporters of Proposition 26 want 100% of local school bonds to pass—RAISING PROPERTY TAXES each time a bond passes.

Proposition 26 contains NO LIMIT ON HOW MANY BONDS OR HOW MUCH IN HIGHER TAXES CAN BE IMPOSED ON HOMEOWNERS! Districts that recently passed bonds can hit taxpayers with ADDITIONAL bonds. The result will be BILLIONS OF DOLLARS OF PROPERTY TAX INCREASES!

In some elections, voter turnout is only 10%. That means under Proposition 26 just 5% of registered voters can impose a 30-year increase in your property taxes! When a bond passes, a lien is placed on your home to guarantee repayment. IF YOU CAN'T PAY THESE HIGHER PROPERTY TAXES YOU CAN LOSE YOUR HOME!

THE TWO-THIRDS VOTE HELPS PREVENT HOMEOWNERS FROM BEING OUTVOTED IN BOND ELECTIONS, but if Proposition 26 passes it will be easy for RENTERS TO OUTVOTE PROPERTY OWNERS and approve bonds which are repaid entirely by property owners.

THE CURRENT SYSTEM WORKS FOR BOTH TAXPAYERS AND SCHOOLS.

California has required a two-thirds vote for local bonds since 1879. This two-thirds vote protection has not halted California's growth over the past century.

When a good case is made to local voters, bonds pass with a

two-thirds vote. Since 1996, 62% of all local school bonds passed. Recently, school districts as diverse as Los Angeles, San Diego, Santa Ana, San Jose, Sacramento, Fresno, San Bernardino, Long Beach, Ventura, San Francisco, and many others all passed bonds with a two-thirds vote.

Since 1996, voters approved more than \$11.8 BILLION in LOCAL school bonds with a TWO-THIRDS vote! That's BILLIONS in liens ALREADY being paid off by homeowners! Do you want virtually ALL bonds to pass and have MORE liens against your home?

PROPOSITION 26 MEANS YOU PAY WHILE DEVELOPERS PROFIT.

Developers want Proposition 26 passed so YOU end up paying MORE for school construction resulting from increased development. Proposition 26 is a tax shift from developers to homeowners. Developers get higher profits, while HOMEOWNERS GET HIGHER TAXES AND MORE DEVELOPMENT IN THEIR COMMUNITY!

Proposition 26 is not education reform. It's about making it MUCH EASIER TO INCREASE TAXES ON YOUR HOME. Don't make it much easier to raise your property taxes, especially when school construction is being so mishandled by politicians and bureaucrats like in Los Angeles with the BELMONT SCHOOL FIASCO!

VOTE NO ON NEW TAX LIENS ON YOUR HOME!

VOTE NO ON HIGHER PROPERTY TAXES!

VOTE NO ON PROPOSITION 26!

JON COUPAL

Chairman, Don't Double Your Property Taxes, Vote No on Proposition 26, a Project of the Howard Jarvis Taxpayers Association

FELICIA ELKINSON

Past President, Council of Sacramento Senior Organizations

RICHARD H. CLOSE

President, Sherman Oaks Homeowners Association

Rebuttal to Argument Against Proposition 26

Opponents of Prop. 26 don't seem to understand it.

PROP. 26 ALLOWS A MAJORITY IN LOCAL COMMUNITIES TO DECIDE FOR THEMSELVES HOW MUCH TO INVEST IN EDUCATION.

Prop. 26 isn't a property tax increase. Prop. 26 gives a majority in each community the power to decide whether to invest in reducing class size, repairing crumbling schools, wiring their schools for computers, or leaving things as they are.

PROP. 26 WILL MAKE IT EASIER TO REDUCE CLASS SIZE.

Reducing class size has proven to improve student performance. Yet, California classrooms are still the most crowded in the nation. We cannot further reduce class size without building more classrooms. Prop. 26 allows each community to decide.

PROP. 26 WILL MAKE SCHOOL BOARDS MORE ACCOUNTABLE FOR HOW THEY SPEND OUR MONEY.

We want to invest in education, but we're tired of seeing our money wasted. Prop. 26 will help prevent problems like Belmont High in the Los Angeles district from occurring in the

future. If Prop. 26 passes, voters will have to be told in advance how local bond money will be spent. Prop. 26 mandates that none of the money can be spent on bureaucracy or salaries.

Prop. 26 requires two annual independent audits to make certain bond money is spent correctly.

DIVERSE GROUPS LIKE THE CHAMBER OF COMMERCE, NATIONAL TAXPAYERS ALLIANCE, CALIFORNIA CONGRESS OF SENIORS, CALIFORNIA TEACHERS ASSOCIATION, AARP, AND CALIFORNIA ORGANIZATION OF POLICE AND SHERIFFS ALL URGE A YES VOTE ON PROP. 26.

JACKI ANTEE

President, AARP

BILL HAUCK

Chairman, California Business for Education Excellence

GAIL DRYDEN

President, League of Women Voters



Elections. Term Limit Declarations for Congressional Candidates. Initiative Statute.

Official Title and Summary Prepared by the Attorney General

ELECTIONS. TERM LIMIT DECLARATIONS FOR CONGRESSIONAL CANDIDATES. INITIATIVE STATUTE.

- Permits congressional candidates to voluntarily sign non-binding declaration of intention to serve no more than three terms in House of Representatives or two terms in the United States Senate.
- Requires placement of information on ballots and state-sponsored voter education materials when authorized by candidates.
- Candidates may appear on official ballot without submitting declaration.
- Declaration by winning candidate applies to future elections for same office.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Unknown, but probably not significant, election costs to the state and counties.
-



Background

The Congress of the United States consists of the Senate and the House of Representatives. California's delegation to Congress consists of two senators and 52 representatives. Senators are elected for a term of six years and representatives are elected for a term of two years. The United States Constitution sets the general qualifications and duties of Members of Congress.

Federal law does not limit the number of terms a person may be elected to serve as a senator or representative in Congress. In 1992, California voters adopted Proposition 164, which established term limits for California's senators and representatives in Congress. However, Proposition 164 is not likely to go into effect. This is because the United States Supreme Court ruled, in a case involving similar limits established by other states, that the qualifications of office for federal elective officials may be changed only by an amendment to the United States Constitution.

Under current state law, the California Secretary of State processes information from candidates who wish to run for office, including declarations of their candidacy. County elections officials are responsible for preparing the content of the ballots for all candidates running for office.

Proposal

This measure *allows* all candidates for the U.S. Senate and House of Representatives from California to sign a declaration saying that, if elected, they either will or will not voluntarily limit their years of service. Candidates who agree to term limits would indicate that they will voluntarily serve no more than two terms in the Senate (or 12 years) or three terms in the House of Representatives (or 6 years).

In addition, a candidate can ask the Secretary of State to place on election ballots a statement that the candidate either did or did not sign such a declaration to voluntarily limit his or her terms of service.

The measure *does not require* a candidate to sign any declaration, nor does it require him or her to ask the Secretary of State to provide information regarding the declarations on the ballot.

Fiscal Effect

This measure would result in additional election costs to the state and counties. The amount of the additional cost is unknown, but probably not significant.

For text of Proposition 27 see page 144



Elections. Term Limit Declarations for Congressional Candidates. Initiative Statute.

Argument in Favor of Proposition 27

Vote YES on Proposition 27. Term Limits.

Term limits on our state legislature are a great success—bringing new people and new ideas to Sacramento. Gone are much of the partisan bickering and backroom deals. Legislators spend their time getting things done for the people, instead of picking fights to score political points.

A YES vote on Proposition 27 will help us bring new people and new ideas to Congress.

When those who represent us serve for short periods of time, they stay connected to their communities and serve the public interest. Term limits help block the corruption and arrogance that comes from career politicians who are more concerned with their perks and privileges than with what's best for the people.

No wonder recent Field polls show that Californians support term limits by almost 3 to 1. The lobbyists and big special interests don't like term limits, but we know our California legislature is doing a much better job now.

Californians overwhelmingly support term limits on Congress too, but career politicians in Washington have ignored our votes. That's why it's still politics-as-usual in our nation's capitol. Recently Congress gave themselves yet another pay raise even though 80 percent of Americans opposed it. When it comes to issues we care about, Congress continues to do the bidding of the big special interests. They have refused to reform the election process, and thus 98.5 percent of incumbents won re-election in 1998.

The longer politicians spend in Washington, the less they represent us and the more they represent the special interests, the party bosses and their own career interests. But it doesn't have to be that way. The answer is to send citizen

legislators—not career politicians—to represent us in Congress.

When congressional candidates ask for our vote, we deserve to know whether they're looking to spend a lifetime in Washington as professional politicians or limited terms as public servants. Proposition 27 allows candidates to tell us on the record.

A YES vote on Proposition 27 gives you important term limits information about candidates for Congress.

- Term limits are a great success for our state legislature.
- But we still have too many career politicians in Washington.
- As voters, we deserve to know whether a candidate will be a career politician or a citizen legislator. That gives us a real choice about who will represent us in the U.S. Congress.

Proposition 27 is a simple way to allow candidates to make their intentions clear: Do they want to represent us in Congress for a short period of public service or are they going to cash in on political careers? As voters, we deserve to know. Proposition 27 tells us.

VOTE YES on PROPOSITION 27. TERM LIMITS.

GEORGE E. MARTINEZ

Community Activist

SALLY REED IMPASTATO

Proponent, California Term Limit Committee

LEWIS K. UHLER

President, National Tax Limitation Committee

Rebuttal to Argument in Favor of Proposition 27

Yes, we agree, the current system is broken. We wish their fantasy of citizen legislators would work, but it won't. It makes it worse for Californians. Here's why:

SENIORITY IS NEEDED FOR FEDERAL MONEYS

This initiative means that California's Congressional Representatives will never achieve enough seniority in Congress to Chair the Committees that direct Federal Spending. California's Federal tax dollars will be spent in other States.

CALIFORNIA'S SHARE WILL GO TO GEORGIA AND TEXAS

Our share of moneys for:

- Schools
- Police
- Seniors
- New Freeways, and
- Safe Drinking Water

will go to other States without term limits and with long term legislators, costing California jobs.

CALIFORNIA'S BUSINESSES WILL BE HURT

In the next economic downturn California will suffer

disproportionately hard. Less Federal dollars means higher crime, more homelessness, less for seniors, less police, and less dollars for schools.

WE ARE ALMOST THERE IN VOTING DOWN THESE DANGEROUS IDEAS

The last time Californians got to vote on term limits it was almost defeated. This proposal is much worse and more dangerous for California's economy. Vote it down. Let's not send our money to Georgia and Texas. Keep our money here.

TERM LIMITS AREN'T WORKING

The current term limit system is not working in California. Turnover is the problem. If it wasn't for our moderate Governor, the average citizen's pocketbook would be in real trouble.

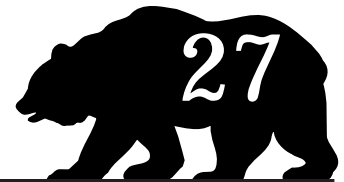
FOR OVER 200 YEARS WE HAVE CHANGED PEOPLE IN OFFICE THROUGH ELECTIONS, NOT ARBITRARY RULES.

VOTE NO TO SAVE CALIFORNIA'S VOTING RIGHTS AND POWER IN CONGRESS!

MARK WHISLER

President, Sacramento City Taxpayers' Rights League

Elections. Term Limit Declarations for Congressional Candidates. Initiative Statute.



Argument Against Proposition 27

TERM LIMITS ARE PURE FOLLY.

Term Limits are pure folly, passed for self serving Corporations at our expense. Since term limits were enacted in California we have seen a steady rise in the power of corporate paid lobbyists to get their pork barrel bills through the Legislature. If this year's Legislature doesn't support their giveaway plans, Corporations just wait for next year's Legislature. Politicians now need Corporate campaign money more than ever.

LABELS ARE DIVISIVE AND DANGEROUS

Let's not get started labeling our politicians. EVERY GROUP will want their label (look at our license plates). Do we really want to see "supports gray whales", "supports midnight basketball in schools", or "supports keeping abortions". Let's not make our voting ONLY about issues selected by others. Let's not cloud our ballot with emotionally charged labels. How will Californians be able to elect moderate centrist consensus builders if every candidate is labeled by divisive issues to get elected? We won't!

SENIORITY

Congress still runs on a seniority system. If California's representatives can only stay 6 years the money, jobs, and benefits will flow to other states with long term representatives. That's how the system works. Voting yes will be bad for California's economy.

LOBBYISTS FIX BILLS TO GET TAX DOLLARS FOR THEIR CORPORATE CLIENTS.

Corporate lobbyists roam the US Capitol halls seeking tax breaks, reduced environmental responsibilities, lower employee benefit requirements, and other bills that are outright gifts to greedy Corporations. Under term limits, Corporate political campaign funds, more than ever, will decide who wins elections.

If this passes, Corporations will have a stronger grip on our Congress, as they already do with our State Legislature.

CALIFORNIA HAS NEEDS FOR ITS OWN CITIZENS AND CHILDREN.

California needs to devote its limited tax revenues to schools, roads, bridges, parks, libraries, and police services (to name a few). Our taxes should not be spent bailing out wealthy corporations. Don't be fooled. Voters have proven time and again they know when to vote NO, and this is one of them.

YOU DON'T NEED TERM LIMITS. YOU CAN THROW THE "BUMS" OUT NOW.

Resist the urge to use term limits to "throw the bums out." If your elected officials are bums, vote them out. The current system may be weak, but term limits will replace our Congress with unelected, powerful, hidden self-interest groups. California has numerous problems that our collective wisdom and community spirit can solve. A Legislature or Congress, sold to the highest bidder every two years, is not the answer. We need educated Legislators who understand the complexities and nuances of issues. They are our best choice for meaningful solutions, not on-the-job trainees with short term fixes.

DON'T LEGISLATE THOUGHT POLICE.

This initiative demonizes politicians who favor a long term rational approach to solving our problems. It goes too far. Please read the initiative and you'll see why to vote NO. This law is wrong for California.

SAY NO TO THE CORPORATIONS AND SPECIAL INTERESTS.

VOTE NO ON PROPOSITION 27

MARK WHISLER

President, Sacramento City Taxpayers' Rights League

Rebuttal to Argument Against Proposition 27

DON'T LET THEM DESTROY OUR VOTE FOR TERM LIMITS ON THE LEGISLATURE—OR IGNORE OUR VOTE FOR CONGRESSIONAL TERM LIMITS. VOTE YES ON PROPOSITION 27.

The Sacramento-based opponent to Proposition 27 attacks the people of California for passing term limits on our state legislators. Where has he been living? Even those who at first opposed term limits now admit that it has worked, bringing new people with new ideas into public service.

Special interests are angry that they've lost control over our elected representatives. Good! Term-limited officials stay connected to the communities they serve, not the power-brokers in the Capitol.

Under term limits, our legislature passed the largest tax cut in a generation. Instead of never-ending political bickering, the legislature passed the budget on time for the first time in over a decade. Term limits work.

TERM LIMITS HAVE HELPED OUR LEGISLATURE STAY CLOSER TO THE PEOPLE. VOTE YES ON PROPOSITION 27.

The contributor list AGAINST term limits reads like a who's who of powerful lobbyists, big special interests and

well-connected corporations. The largest contributors have been big tobacco companies. Special interests want a government they control—at your expense.

LOBBYISTS, BIG SPECIAL INTERESTS & POLITICALLY-CONNECTED CORPORATIONS HATE TERM LIMITS.

A whopping 86 percent of lobbyists oppose term limits! These powerful interests get special favors from the career politicians in Congress. We have a right to representatives who represent us.

CITIZEN LEGISLATORS. NOT CAREER POLITICIANS. VOTE YES ON PROPOSITION 27. TERM LIMITS.

LISA POWERS

Northern California Co-Chair, California Term Limit Committee

JUAN CARLOS ROS

Community Activist

DWIGHT FILLEY

Southern California Co-Chair, California Term Limit Committee



Repeal of Proposition 10 Tobacco Surtax. Initiative Statute.

Official Title and Summary Prepared by the Attorney General

REPEAL OF PROPOSITION 10 TOBACCO SURTAX. INITIATIVE STATUTE.

- Repeals additional \$.50 per pack tax on cigarettes and equivalent increase in state tax on tobacco products previously enacted by Proposition 10 at November 3, 1998, election.
- Provides for elimination of funding for Proposition 10 early childhood development and smoking prevention programs.
- Prohibits imposition of additional surtaxes on distribution of cigarettes or tobacco products unless enacted by state legislature.
- Provides for termination of California Children and Families First Trust Fund once all previously collected taxes under Proposition 10 are appropriated and expended.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Reduction in annual state special fund revenues of approximately \$670 million that would otherwise be allocated for early childhood development programs and activities.
 - Relatively small annual increases in Proposition 99 revenues of a few million dollars.
 - Annual decreases in state General Fund revenues of approximately \$7 million and local government sales tax revenues of about \$6 million.
 - Loss of potential long-term state and local governmental savings that could otherwise result from Proposition 10.
-



BACKGROUND

This measure repeals the excise tax imposed on cigarettes and other tobacco products by Proposition 10, adopted by the voters in November 1998. The measure also indirectly affects other programs funded by existing tobacco taxes—specifically, programs funded by Proposition 99 of 1988.

Proposition 10 created the California Children and Families First Program, in order to fund early childhood development programs and related activities. The program is funded by revenues generated by an increase in the excise taxes on cigarettes and other tobacco products.

Proposition 10 increased the excise tax on cigarettes by 50 cents per pack beginning January 1, 1999, bringing the total state excise tax on this product to 87 cents per pack. The measure also increased the excise tax on other tobacco products, such as cigars, chewing tobacco, pipe tobacco, and snuff, in two ways:

- It imposed a *new* excise tax on these products equivalent (in terms of the wholesale costs of these items) to the 50 cents per pack tax on cigarettes, effective January 1, 1999.
- It increased the *preexisting* excise tax on these products by the equivalent of a 50 cents per pack increase in the tax on cigarettes, effective July 1, 1999.

Thus, the measure ultimately increased the total excise tax on other tobacco products by the equivalent of a \$1 per pack increase in the tax on cigarettes.

Proposition 10 required that the revenues generated by the *new* excise taxes on cigarettes and other tobacco products be placed in a new special fund—the California Children and Families First Trust Fund. These revenues primarily fund early childhood development programs. In addition, small amounts are used to offset revenue losses to Proposition 99 health education and research programs and Breast Cancer Fund resulting from the Proposition 10 excise tax.

The revenues generated by the increase in the *preexisting* excise tax on other tobacco products are directed to the Cigarette and Tobacco Products Surtax Fund (for Proposition 99 programs).

Proposition 10 programs are carried out by state and county commissions.

PROPOSAL

This measure eliminates certain provisions of Proposition 10. Specifically, it eliminates the California Children and Families First Trust Fund, once all previously collected taxes under Proposition 10 are appropriated and expended. It also eliminates the 50 cents per pack excise tax on cigarettes and the equivalent tax on other tobacco products imposed by Proposition 10, which were effective January 1, 1999. Finally, the measure would have the effect of eliminating the increase in the *preexisting* excise tax imposed on other tobacco products which took effect July 1, 1999. The measure does not specifically eliminate the state and county commissions authorized by Proposition 10, although it does eliminate their source of funding.

FISCAL EFFECT

By repealing the provisions of Proposition 10, this

proposition will eliminate the cigarette and other tobacco product excise taxes used to fund the California Children and Families First Program. The measure may also lead to changes in revenues for Proposition 99 programs, the state's General Fund, and local governments. Below, we discuss these fiscal effects.

Effect on California Children and Families First Trust Fund. We estimate that Proposition 10 will raise revenues of approximately \$680 million in 1999–00, and declining amounts thereafter, to fund early childhood development programs and activities. Thus, assuming this measure repealing Proposition 10 becomes effective the day following its passage, it would result in an estimated revenue reduction of approximately \$215 million for 1999–00 (a partial-year effect). The estimated revenue reduction for 2000–01 is approximately \$670 million, with declining annual amounts thereafter. There is some uncertainty surrounding these estimates, due to the difficulty of predicting the effects of recent increases in excise taxes, price increases for cigarettes, and the excise tax reduction being proposed.

Effect on Cigarette and Tobacco Products Surtax Fund Revenues. This measure would have the overall effect of increasing revenues for Proposition 99 programs by a few million dollars annually. This revenue effect is due to an increase in the sale of cigarettes and other tobacco products caused by the price reduction in these products.

Effect on Breast Cancer Fund Revenues. This measure would not lead to any change in revenues going to the Breast Cancer Fund. This is because the revenue increase generated by increased consumption stemming from the decline in the price of cigarettes and other tobacco products is approximately equal to the offset amounts estimated to be provided under Proposition 10, which will no longer occur under this measure.

Effect on the State General Fund and Local Tax Revenues. This measure would result in a state General Fund revenue loss of approximately \$3 million in 1999–00 (partial year) and annual losses thereafter of about \$7 million. For local governments, the estimated sales tax revenue reductions are estimated to be \$2 million in 1999–00 (partial year) and approximately \$6 million annually thereafter. In general, these reductions occur because the increase in the General Fund's excise tax revenues (due to the increased sale of tobacco products) is not sufficient to compensate for the decline in sales tax revenue (due to the decline in the price of tobacco products).

Other Potential Fiscal Effects. We identified two types of potential unknown long-term savings from the passage of Proposition 10. First, to the extent that Proposition 10 results in a decrease in the consumption of tobacco products, it will probably reduce state and local health care costs by an unknown amount over the long term. Second, the additional expenditures on early childhood development programs could result in state and local savings, over the long run, of unknown amounts in programs such as special education. Thus, this measure to repeal Proposition 10 would result in not realizing these potential savings.

For text of Proposition 28 see page 145



Repeal of Proposition 10 Tobacco Surtax. Initiative Statute.

Argument in Favor of Proposition 28

"What's best for children?" That's the essence of Prop 28. Prop 28 repeals Prop 10. It *stops a \$700,000,000 per year bureaucracy* that is supposed to work on "early childhood development." Prop 28 *cuts taxes* on citizens who smoke. It sends the issues to the Legislature.

When can \$700,000,000 per year be bad for children?

1) When the money is wasted.

The Office of the Independent Legislative Analyst stated that neither county nor state officials oversee or control the spending. The Analyst concluded "it will be a challenge to ensure that the funds will be spent effectively".

- *Not one penny has yet been spent on children.*
- *Not one penny has yet been spent on education.*
- *Not one penny has yet been spent on tobacco research or to prevent teen smoking.*

Prop 10 participants have been told that no idea is too expensive or too crazy. In Los Angeles County, agencies already spend \$3.8 billion annually on over 200 programs for children and parents outside of Prop 10.

2) When the money is spent to subsidize the rich and powerful.

The primary use for Prop 10 funds has been to publicize Rob Reiner. A political infrastructure is being built for his use. Local politicians fight over who gets to dispense this money.

3) When the money is used to drive people out of business.

Private child care providers can't participate in Prop 10 deliberations. Socialized child care—along with loss of choice, more bureaucracy and rules, and a decline in quality—appears to be the goal of Prop 10 participants.

4) When the money is used in ways that do harm.

Prop 10 advocates talk about "new brain research" that enables bureaucrats to be better parents than parents. This *Brave New World* approach to raising children contradicts what loving parents know about babies. Babies need love and attention. Money can't buy love and attention. Babies are best when parents find ways to shower them with love and attention.

Optimists believe Prop 10 money will be used to make \$700,000,000 per year in suggestions. Suggestions soon become rules. Do you want Hollywood and 58 commissions to make the rules for how to raise children?

The tax itself is also bad.

- The Boston Tea Party said "taxation without representation is tyranny."
- The United States Constitution was designed to prevent tyranny by the majority.

Prop 10 violated both of those principles. Fewer than one out of four California adults smoke. They can't win an election. Their legislators didn't vote on this. Prop 10 passed because many voters thought they were taxing Big Tobacco. Actually, Big Tobacco doesn't pay this tax. *California citizens pay it all.*

Prop 10 is a bad law. That's why over 705,000 Californians signed petitions to place this initiative on the ballot.

Big Tobacco hasn't helped the effort to repeal Prop 10.

Who do you want to be your kids' mom? You? Then vote YES! On Prop 28!

NED ROSCOE

President, Cigarettes Cheaper! stores

Rebuttal to Argument in Favor of Proposition 28

TOBACCO COMPANIES DON'T CARE ABOUT OUR CHILDREN. THEY ONLY CARE ABOUT THEIR PROFITS.

Prop 28 would repeal Prop 10. The tobacco companies are sponsoring, supporting and paying for Prop 28 for one reason and one reason only—to protect their profits.

Once again, the tobacco industry is trying to mislead the public. They lied when they said that smoking isn't harmful. Now they're lying about Prop 10.

The facts about Prop 10:

- Prop 10 hasn't wasted money. In fact, Prop 10 has already generated more than \$600 million for healthcare and education for children and families in every California county.
- Prop 10 is funding a \$7 million anti-smoking campaign. That's the real reason the tobacco interests want to kill Prop 10.

The facts about Prop 28:

- Prop 28 would slash \$680 million a year in vital programs for children and families, including healthcare and

immunizations, preschool education, and efforts to help children from families with drug and alcohol problems.

- Prop 28 would cut funding for anti-smoking efforts that will help prevent smoking by pregnant women and help avoid thousands of premature births per year.
- Prop 28 is strongly opposed by leading health, education and community groups, including the AARP; the American Cancer Society California Division; the California School Boards Association; and the Campaign for Tobacco Free Kids.

ON MARCH 7TH, SAY NO TO TOBACCO. VOTE NO ON PROP 28.

JACQUELINE ANTEE

State President, AARP

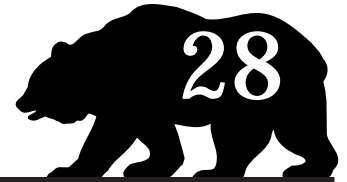
ROSALYN BIENENSTOCK, R.R.T., M.P.H.

Chair, American Lung Association of California

MARY BERGAN

President, California Federation of Teachers

Repeal of Proposition 10 Tobacco Surtax. Initiative Statute.



Argument Against Proposition 28

THE MOST IMPORTANT THING VOTERS SHOULD KNOW ABOUT PROPOSITION 28 IS THAT IT'S SPONSORED AND SUPPORTED BY TOBACCO COMPANIES.

When it comes to the health and welfare of California families, can you think of anyone you trust less?

In 1998, California voters passed Proposition 10—The California Children and Families Initiative—which raised the tobacco tax to support a wide range of programs to protect children's health and help young children enter school ready to learn. The tobacco companies spent \$30 million to defeat Proposition 10, but failed. Now they are trying to thwart the will of the voters and repeal Proposition 10 by passing Proposition 28.

Time and again, the tobacco giants have shown that they'll do *anything* to protect their profits—including lying to Congress, covering up the health facts about tobacco, marketing cigarettes to children, and using false advertising. The tobacco interests don't care that the tobacco tax they want to eliminate with Prop 28 is already helping ensure a brighter future for our children.

Proposition 28 will slash over \$680 million a year from critical programs that benefit our children, including:

- Healthcare for children including immunizations and boosters;
- Preschool education opportunities and childcare;
- Smoking prevention aimed at pregnant women and parents of young children;
- Helping children from families with drug and alcohol problems; and
- Helping mothers care for themselves and their babies during pregnancy and infancy.

These programs prevent expensive and tragic health problems. For example, smoking during pregnancy causes thousands of babies to be born prematurely each year, and greatly increases the risk of sudden infant death syndrome. By cutting programs that prevent smoking by pregnant women, *Proposition 28 will increase premature births* and other health problems.

Proposition 28 is strongly opposed by these leading health care, education, and community organizations:

- AARP;
- American Cancer Society, California Division;
- American Heart Association of California;
- American Lung Association of California;
- California Medical Association;
- California Nurses Association;
- California School Boards Association;
- Campaign for Tobacco-Free Kids;
- Child Care Resource & Referral Network;
- Para Los Niños Child Development Center; and
- Wu Yee Children's Services.

Who do you think cares more about the health and well-being of our children—the tobacco companies or these nonprofit, independent groups asking you to

Vote NO on Proposition 28?

The tobacco companies have millions of dollars on the line—since Proposition 10's passage, tobacco sales in the state have been cut by 30 percent. That is why the tobacco companies will try every trick in the book to get you to vote for Prop 28. They'll try to scare you. They'll try to change the subject. Some will even spend hundreds of millions of dollars on "image" ads to convince you that they care about the health and welfare of your community.

You know better.

Say NO to the tobacco companies.

VOTE NO on PROPOSITION 28.

PAUL MURATA, M.D.

President, American Cancer Society, California Division

WILLIAM D. NOVELLI

President, Campaign for Tobacco-Free Kids

KAY McVAY, R.N.

President, California Nurses Association

Rebuttal to Argument Against Proposition 28

*None of the money collected under Prop 10 has been spent. To say Prop 28 "slashes" spending is *deceitful*. Prop 10 hasn't helped a single child. Will Prop 10 ever help a child? No!*

Those who plan to receive the Prop 10 money are *shocked* that we want to derail this gravy train before it leaves the station.

Cigarettes Cheaper! started Prop 28 to stand up for our customers. Through Prop 28, we advance a basic American principle: *do good*.

Learn more at www.voteprop28.com or call us at 1-800-Cheaper!

Prop 10 has been a bonanza for Cigarettes Cheaper! because more customers came to us for a cheaper price. Prop 10 produces more than \$10,000 per week in extra profit for us. Financially, we may lose more from Prop 28 than some of the

grant-seeking associations who oppose it. Still, Prop 28 is *the right thing to do*.

What's best for children? It's too simple to decide that smoking is bad so taxes are good. *To repeal a fundamentally flawed program, to say parents must be responsible for raising their own children, to stop the seed money for a huge "government knows best" program, VOTE YES on Prop 28.*

Yes, this will lift a heavy tax burden from our customers. More important than that, please decide *what's best for children and taxpayers*. Prop 10 must be repealed before millions of dollars are wasted—and young lives are changed for the worse. Please study this carefully, then VOTE YES on Prop 28.

NED ROSCOE

President, Cigarettes Cheaper! stores



1998 Indian Gaming Compacts. Referendum Statute.

Official Title and Summary Prepared by the Attorney General

1998 INDIAN GAMING COMPACTS. REFERENDUM STATUTE.

- A "Yes" vote approves, a "No" vote rejects a law, previously passed by the Legislature and signed by the Governor, that would:
- Formally approve 11 tribal-state compacts that were concluded in 1998;
- Provide procedures for approving future compacts;
- Declare the Governor responsible for negotiation of compacts; and authorize Governor to waive state's immunity to suit by tribes.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- If Proposition 1A (on this ballot) is approved, Proposition 29 would have no fiscal impact on state and local governments.
 - If Proposition 1A is not approved, Proposition 29 would result in unknown, but probably not significant fiscal impacts on state and local governments.
-



BACKGROUND

Gambling in California

The State Constitution and various other state laws limit the types of legal gambling that can occur in California. The State Constitution specifically:

- Authorizes the California State Lottery, but prohibits any other lottery.
- Allows horse racing and wagering on the result of races.
- Allows bingo for charitable purposes (regulated by cities and counties).
- Prohibits Nevada- and New Jersey-type casinos.

Other state laws specifically prohibit the operation of slot machines and other gambling devices (such as roulette). With regard to *card* games, state law prohibits: (1) several specific card games (such as twenty-one), (2) “banked” games (where the house has a stake in the outcome of the game), and (3) “percentage” games (where the house collects a given share of the amount wagered).

State law allows card rooms, which can operate any card game not otherwise prohibited. Typically, card room players pay a fee on a per hand or per hour basis to play the games.

Gambling on Indian Land

Gambling on Indian lands is regulated by the 1988 federal Indian Gaming Regulatory Act (IGRA). The IGRA defines gambling under three classes.

- **Class I** gambling includes social games and traditional/ceremonial games. An Indian tribe can offer Class I games without restriction.
- **Class II** gambling includes bingo and certain card games. Class II gambling, however, specifically *excludes* all banked card games. An Indian tribe can offer only the Class II games that are permitted elsewhere in the state.
- **Class III** gambling includes all other forms of gambling such as banked card games (including twenty-one and baccarat), virtually all video or electronic games, slot machines, parimutuel horse race wagering, most forms of lotteries, and craps.

An Indian tribe can operate Class III games only if the tribe and the state have agreed to a tribal-state compact that allows Class III activities. The compact can also include items such as regulatory responsibilities, facility operation guidelines, and licensing requirements. After the state and tribe have reached agreement, the federal government must approve the compact before it is valid.

Gambling on Indian Lands in California

According to the federal Bureau of Indian Affairs, there are over 100 Indian rancherias/reservations in California. Currently, there are about 40 Indian gambling operations in California, which offer a variety of gambling activities.

In the past two years there have been several important developments with regard to Indian gambling in California:

- **April 1998.** The Governor concluded negotiations with the Pala Band of Mission Indians to permit a specific type of Class III gambling on tribal land. The compact resulting from these negotiations—the “Pala” Compact—was subsequently signed by ten other tribes. These 11 compacts were approved in legislation in August of 1998.
- **November 1998.** State voters approved the Tribal

Government Gaming and Economic Self-Sufficiency Act—Proposition 5. The proposition, which amended state law but not the State Constitution, required the state to enter into a specific compact with Indian tribes to allow certain Class III gambling activities.

- **November 1998.** A referendum on the August 1998 legislation approving the 11 Pala compacts qualified for the March 2000 ballot (this proposition). Once qualified, the August 1998 legislation was put “on hold” until the vote on this proposition.
- **August 1999.** Proposition 5 was ruled unconstitutional by the State Supreme Court on the basis that the measure would permit the operation of Nevada- and New Jersey-type casinos.
- **September 1999.** The Governor negotiated and the Legislature approved compacts with 57 tribes—including the tribes that signed the Pala compacts—authorizing certain Class III games. These take the place of all previously approved compacts, including the Pala compacts. These new compacts, however, will become effective only if (1) Proposition 1A (also on the March 2000 ballot) is approved by the voters and (2) the federal government approves the compacts.

PROPOSAL

If approved by the voters, this proposition would allow the Pala compacts approved by the Governor and the Legislature in 1998 to go into effect.

The Pala compact authorizes the operation of Indian “video lottery terminals” if they operate as lotteries, not slot machines. The compact contains a provision that if the terminals are found by the courts to be slot machines, then the compact is void. The Pala compact does not allow any other Class III games (such as twenty-one or craps).

These compacts, however, would *not* go into effect if the voters approve Proposition 1A on this ballot. This is because the newer compacts approved in September 1999 become effective if Proposition 1A is approved and the federal government approves the compacts. In this case, the September 1999 compacts replace all previously approved compacts—including the Pala compacts.

FISCAL EFFECT

The fiscal effect of this proposition depends on voter action on Proposition 1A on this ballot.

If Proposition 1A Is Approved by the Voters. In this case, the Pala compacts would be replaced by newer compacts, and this proposition would have no fiscal effect.

If Proposition 1A Is Not Approved by the Voters. In this case, under Proposition 29 the Pala compacts would become effective. Indian tribes could then operate the lottery-type gambling machines throughout the state. It is, however, difficult to estimate the fiscal effect of the Pala compacts on state and local governments. The actual effect would depend on such factors as (1) a court ruling on the legality of the lottery machines and, if legal, the number of these machines that would be operated throughout the state; and (2) whether Indian gambling as allowed under the Pala compacts diverted much spending from Nevada and other out-of-state sources. The fiscal impact is unknown, but it probably would not be significant.

For text of Proposition 29 see page 146



1998 Indian Gaming Compacts. Referendum Statute.

Argument in Favor of Proposition 29

Proposition 29 continues a well-reasoned agreement on Indian gambling. Like it or not, federal law required our State and California Indian Tribes to negotiate gambling Compacts.

It took 17 months of intensive negotiations to develop meaningful and fair guidelines for Indian gambling, as required by federal law.

The 1998 Compacts were passed by the Legislature, signed by many Tribes, widely approved by the press, and are workable agreements for both California and the Tribes. Everyone was pleased, except a few wealthy Tribes that were operating (and still operate) illegal casinos.

Some of these wealthy Tribes spent \$2.5 million in an effort to nullify the 1998 Compacts. Their ultimate goal is to bring Nevada-style casinos to California by defeating Proposition 29 (thus nullifying the 1998 Compacts) and then enacting Proposition 1A.

- The 1998 Compacts limit the total number of California slot machines to 19,900, less than half the 42,000 slot machines allowed under Proposition 1A. Without the protection of the 1998 Compacts, California will become a "Las Vegas-by-the-Sea."
- The 1998 Compacts ban banking games, such as blackjack. Proposition 1A allows these "banking and percentage card games," but only in Indian casinos.
- The 1998 Compacts do not allow patrons to gamble on credit in Indian casinos. Proposition 1A permits

gambling on credit.

- The 1998 Compacts clearly spell out local controls by citizens over casino locations, guarantees workers' rights, licensing procedures, background checks, etc. These are modest, enforceable controls that will benefit all of society, not just the casino owners. The 1998 Compacts are far superior to the provisions of Proposition 1A.
- The 1998 Compacts provide for a transitional period for the Tribes to enter into Economic Development Zones in order to become self-sufficient through legitimate, non-gambling businesses, with less reliance on gambling.
- The 1998 Compacts expire after a maximum transition period of 20 years. Without Proposition 29, the way is cleared for wide-open, full-fledged casino gambling in California. To continue the reasonable, workable and fair protections of the 1998 Compacts, vote YES on Proposition 29.

A YES vote on Proposition 29 represents safeguards for both California and the Tribes.

ART CRONEY

Executive Director, Committee on Moral Concerns

HARVEY N. CHINN

California Director, National Coalition Against Gambling Expansion

CHERYL A. SCHMIT

Co-Chair, Stand Up for California

Rebuttal to Argument in Favor of Proposition 29

The compact contained in Proposition 29 is no longer needed because the overwhelming majority of California Tribes have negotiated a subsequent agreement that addresses concerns such as worker safety, the impact on local communities, licensing and many other issues relating to fairness and the public's rights.

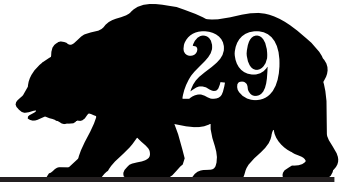
This subsequent agreement will supercede the compact contained in Proposition 29.

Please vote NO on Proposition 29.

RICHARD M. MILANOVICH

Tribal Chairman, Agua Caliente Band of Cahuilla Indians

1998 Indian Gaming Compacts. Referendum Statute.



Argument Against Proposition 29

California voters should vote NO on Proposition 29—the Indian gaming pacts that were forced on California Indian Tribes.

Fortunately, after voters overwhelmingly passed the Indian gaming initiative, Proposition 5, in November of 1998, the new Legislature and Governor sat down and negotiated new compacts with California Indian tribal leaders.

These new compacts are fair to the Indians and fair to the State. They are on your ballot as Proposition 1A, and almost every California Indian leader strongly supports this important measure. Proposition 1A will replace the unfair compacts that are included in Proposition 29.

California Indians will always be grateful for the people of this state for their overwhelming support in the last election. Despite the huge financial fight by Nevada casino interests, the people voted to give Indians the right to earn a living on their tribal lands.

It means that California Indians can maintain and improve their current gaming facilities. Proposition 29 would end that.

Indian gaming means that thousands of Indians and non-Indians can work in these businesses with good jobs. Proposition 29 would end that.

Indian gaming means that people will have the opportunity to support themselves and their families proudly, and not be dependent on welfare and taxpayer subsidized programs. Proposition 29 would end that.

Indian gaming means the taxpayers are off the hook for the financial costs of poverty that have plagued Native Americans since they were forced on to unproductive lands without any means of supporting themselves. Proposition 29 would end that.

Indian gaming will help all Californians. Already we are bringing some basic needs to many who are living in the most desolate Indian communities—basics like electricity and indoor plumbing, needed health care and pre-natal care for expectant mothers, hope and opportunity, instead of despair. Proposition 29 would end that.

Californians should be proud that they are allowing the ladder of opportunity to reach down for Native Americans too. They can now reach the American dream of providing for themselves and their families.

Indian gaming has created more than \$4 billion in economic activity and \$120 million in tax revenues for the California economy. It has provided the funds for new schools, medical clinics and roads. There is now money for scholarships for the outstanding students who can now dream and realize a quality college education. Proposition 29 would end that too.

Our heartfelt thanks go out to the millions of Californians who have stood with us against some of the biggest special interest groups around. We are on the verge of making life so much better for so many people.

But, we do need your help one more time. Please vote YES on Proposition 1A so we can have a fair compact between the Indian Tribal Governments and the State of California. And, please vote NO on Proposition 29—the compacts forced on the Indians through intimidation and threats. Thank you.

RICHARD M. MILANOVICH

Tribal Chairman, Agua Caliente Band of Cahuilla Indians

Rebuttal to Argument Against Proposition 29

You can't please everyone. But federal law requires California to try.

Proposition 29 is the best possible compromise: It ratifies the 1998 Tribal-State Compacts. These compacts were carefully negotiated, willingly signed by 11 Tribes, signed by the Governor and ratified by the Legislature. They were not "forced" on anyone.

The 1998 Compacts give local control over the location of casinos. They grant local governments power to mitigate traffic, public safety and environmental problems. They ban gambling by 18-year-olds, prohibit gambling on credit and provide for State audits.

By way of contrast, Proposition 1A will PERMANENTLY open the floodgates to massive gambling in California by authorizing 107 Tribes to operate TWO casinos each. The Legislative Analyst states that Proposition 1A will permit up to 113,000 slot machines in Indian casinos. Additionally, dozens more "landless" tribes are seeking to buy land and build casinos.

The 1998 compacts will expire after 20 years. The compacts embody Economic Development Zones, which will provide

economic self-sufficiency while gradually reducing tribal dependence on gambling.

Proposition 29 strikes a good balance between Indian sovereignty and the public interests of all citizens. It's a reasonable, limited and fair approach to Indian gambling. It keeps faith with Proposition 5—self-sufficiency plus economic development for native Americans.

Proposition 29 will provide a better day for Indians, while protecting California from PERMANENTLY becoming another Las Vegas.

Proposition 29 serves the best interests of ALL Californians.

To protect California's future:

Vote NO on Proposition 1A and

Vote YES on Proposition 29

HARVEY CHINN

California Director, National Coalition Against Gambling Expansion

ART CRONEY

Executive Director, Committee On Moral Concerns

CHERYL SCHMIT

Co-Chair, Stand Up For California

AN OVERVIEW OF STATE BOND DEBT

Prepared by the Legislative Analyst

This section of the ballot pamphlet provides an overview of the state's current bond debt. It also provides a discussion of the impact the bond measures on this ballot, if approved, would have on this debt level.

Background

What Is Bond Financing? Bond financing is a type of long-term borrowing that the state uses to raise money for specific purposes. The state gets money by selling bonds to investors. The state repays this money plus interest.

The money raised from bonds primarily pays for the purchase of property and construction of facilities—such as parks, prisons, schools, and colleges. The state uses bond financing mainly because these facilities are used for many years and their large dollar costs are difficult to pay for all at once.

General Fund Bond Debt. Most of the bonds the state sells are *general obligation* bonds. The state's debt payments on about three-fourths of these bonds are made from the state General Fund. The money in the General Fund comes primarily from state personal and corporate income taxes and sales taxes. The remaining general obligation bonds (such as housing bonds) are self-supporting and, therefore, do not require General Fund support. All general obligation bonds must be approved by a majority of voters and are placed on the ballot by legislative action or by initiative.

The state also issues bonds known as *lease-payment* bonds. These bonds do not require voter approval and require the state to pay a higher interest rate and selling costs than general obligation bonds. The state has used these bonds to build higher education facilities, prisons, veterans' homes, and state offices. The General Fund is also used to make debt payments on these bonds.

What Are the Direct Costs of Bond Financing? The state's cost for using bonds depends primarily on the interest rate that is paid on the bonds and the number of years payments are made. Most general obligation bonds are paid off over a period of 20 to 30 years. Assuming an interest rate of 5.5 percent (the current rate for this type of bond), the cost of paying off bonds over 25 years is about \$1.70 for each dollar borrowed—\$1 for the dollar borrowed and 70 cents for the interest. This cost, however, is spread over the entire period, so the cost after adjusting for inflation is less. Assuming a 3 percent future annual inflation rate, the cost of paying off the bonds in today's dollars would be about \$1.25 for each \$1 borrowed.

The State's Current Debt Situation

The Amount of State Debt. As of October 1999, the state had about \$22.8 billion of General Fund bond debt—\$16.1 billion of general obligation bonds and \$6.7 billion of lease-payment bonds. Also, about \$14.2 billion of authorized bonds have not been sold because the projects to be funded by the bonds have not yet been undertaken.

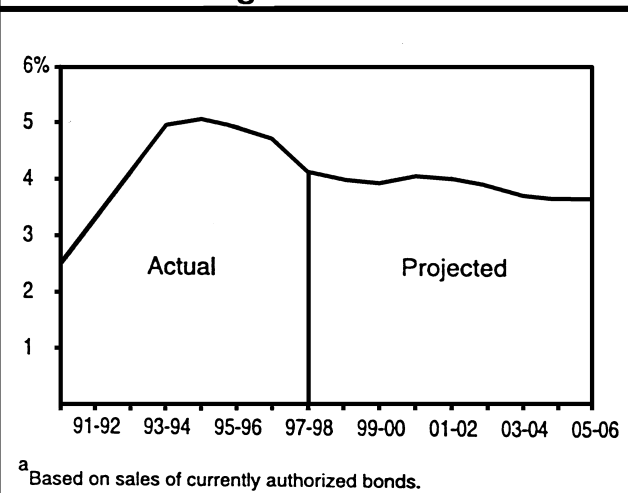
Debt Payments. We estimate that payments on the state's General Fund bond debt will be around \$2.6 billion during the 1999–00 fiscal year. As currently authorized bonds are sold, bond debt payments will increase to about \$3.2 billion in 2005–06 and decline thereafter.

The level of debt payments stated as a percentage of state General Fund revenues is referred to as the state's "debt ratio." Figure 1 shows actual and projected debt ratios from 1990–91 through 2005–06. The figure shows that as currently

authorized bonds are sold, the state's debt ratio will be 4.1 percent in 2000–01 and decline thereafter.

Figure 1

State Debt Ratios^a 1990-91 Through 2005-06



Bond Propositions on This Ballot

As shown in Figure 2, there are five general obligation bond propositions totaling \$4.7 billion on this ballot.

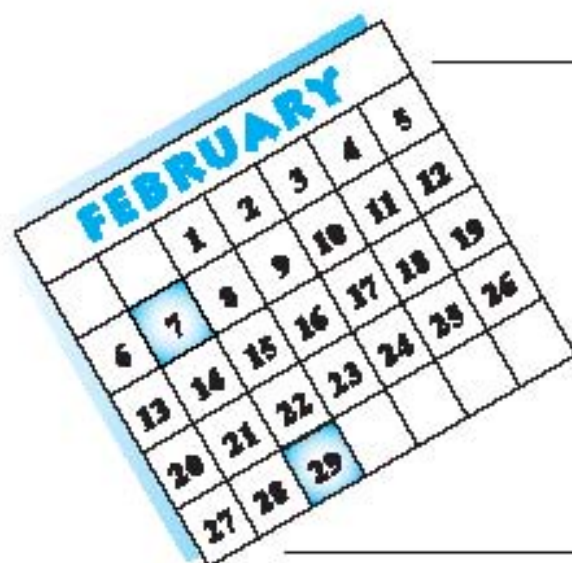
Figure 2

Bond Propositions on the March 2000 Ballot

Proposition	Bond Amount
Proposition 12 Bonds: Parks, Water, and Coastal Protection Act. AB 18 (Chapter 461/1999) Villaraigosa.	\$2.1 billion
Proposition 13 Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act. Bond Measure. AB 1584 (Chapter 725/1999) Machado	\$1.97 billion
Proposition 14 California Reading and Literacy Improvement & Public Library Construction and Renovation Bond Act of 2000. SB 3 (Chapter 726/1999) Rainey	\$350 million
Proposition 15 Forensic Laboratories. Bond Measure. AB 1391 (Chapter 727/1999) Hertzberg	\$220 million
Proposition 16 Veterans' Homes. Bond Measure. SB 630 (Chapter 728/1999) Dunn	\$50 million

If these bond propositions are approved, we estimate that the state's bond debt payments will increase to \$3.3 billion in 2005–06. We estimate that the state's General Fund revenue will increase at a faster pace than new debt resulting from sales of the bonds on this ballot. As a result, these bonds would have little effect on the state's debt ratio. Voter approval of additional bonds at future statewide elections, legislative authorization of additional lease-payment bonds, or slower General Fund revenue growth, however, would increase the state's debt ratio.

DATES TO REMEMBER



February 7, 2000

The last day to register to vote in the
Primary Election

February 7, 2000

First day to apply for an absentee ballot *by mail*

February 29, 2000

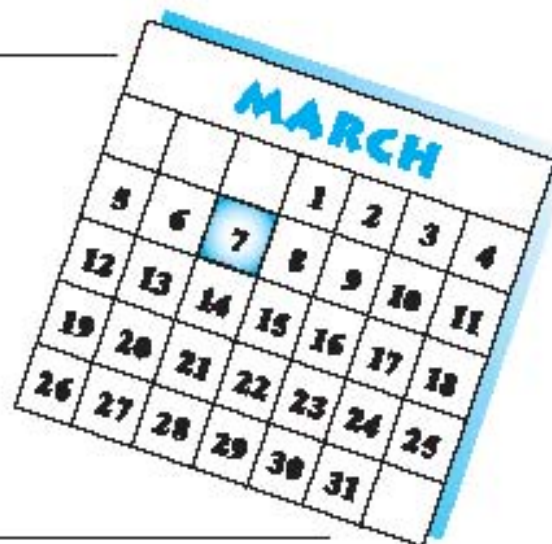
Last day to apply for an absentee ballot *by mail*

March 7, 2000

Last day to apply for an absentee ballot
in person at the office of the
county election official

March 7, 2000

ELECTION DAY



Polls are open from 7 a.m. to 8 p.m.



The Census is Coming. Please Answer the Census by Mail. Every 10 years the Census Bureau is required by the U.S. Constitution to count every person in the United States. In mid-March, you will be mailed the official census questionnaire, and April 1, 2000 is Census Day. Census information is 100% confidential. The Bureau is strictly prohibited from sharing information with any other individuals or organizations, public or private. Also, California's communities could lose over \$3 billion in federal tax revenue during the next decade if Californians do not respond. Please mail back your census questionnaire promptly. For more information, visit the Census Bureau's website at: <http://www.census.gov>, or for information about temporary census jobs call (800) 325-7733.



County Elections Officials

Alameda County

Alameda County Court House
1225 Fallon Street, Rm. G-1
Oakland, CA 94612-4283
510-272-6973
510-208-4967 TDD
www.co.alameda.ca.us/rov

Alpine County

P.O. Box 158
Markleeville, CA 96120
530-694-2281

Amador County

Sheldon D. Johnson
500 Argonaut Lane
Jackson, CA 95642
209-223-6465

Butte County

Butte County Clerk-
Recorder/Elections
25 County Center Drive
Oroville, CA 95965-3374
530-538-7761
<http://elections.co.butte.ca.us>

Calaveras County

Election Department
891 Mountain Ranch Road
San Andreas, CA 95249
209-754-6376

Colusa County

546 Jay Street
Colusa, CA 95932
530-458-0500

Contra Costa County

P.O. Box 271
524 Main Street
Martinez, CA 94553
925-646-4166
www.co.contra-costa.ca.us/election.htm

Del Norte County

450 H Street
Crescent City, CA 95531
707-465-0383

El Dorado County

El Dorado County Elections Dept.
2850 Fairlane Court
P.O. Box 678001
Placerville, CA 95667
530-621-7480
www.co.el-dorado.ca.us/~edced

Fresno County

2221 Kern Street
Fresno, CA 93721
559-488-3246
www.fresno.ca.gov

Glenn County

510 W. Sycamore Street, 2nd Floor
Willows, CA 95988
530-934-6414

Humboldt County

Lou Leeper
3033 H Street, Rm. 20
Eureka, CA 95501
707-445-7678
co.humboldt.ca.us

Imperial County

Dolores Provencio
Imperial County Registrar of Voters
940 Main Street, Rm. 202
El Centro, CA 92243
760-339-4225
www.co.imperial.ca.us

Inyo County

P.O. DRAWER F
Independence, CA 93526
760-878-0224
No website

Kern County

1115 Truxtun Avenue—1st Floor
Bakersfield, CA 93301
661-868-3590
www.co.kern.ca.us

Kings County

1400 W. Lacey Blvd.
Hanford, CA 93230
559-582-3211 x4401
kings.ca.us

Lake County

Registrar of Voters Office
255 North Forbes Street, Rm. 209
Lakeport, CA 95453
707-263-2372

Lassen County

220 S. Lassen Street, Ste. 5
Susanville, CA 96130
530-251-8217

Los Angeles County

12400 Imperial Highway
Norwalk, CA 90650
562-466-1310
www.co.la.ca.us/regrec/main.htm

Madera County

209 W. Yosemite Avenue
Madera, CA 93637
559-675-7720

Marin County

P.O. Box E
San Rafael, CA 94913
415-499-6456
www.marin.org

Mariposa County

4982 10th Street
P.O. Box 555
Mariposa, CA 95338
209-966-2007

Mendocino County

501 Low Gap Road, Rm. 1020
Ukiah, CA 95482
707-463-4371
www.co.mendocino.ca.us

Merced County

2222 M Street, Rm. 14
Merced, CA 95340
209-385-7541
www.co.merced.ca.us

Modoc County

Maxine Madison
Modoc County Clerk
P.O. Box 130
Alturas, CA 96101
530-233-6200

Mono County

Annex II, Bryant Street
P.O. Box 91
Bridgeport, CA 93517
760-932-5241

Monterey County

P.O. Box 1848
Salinas, CA 93902
1370 B South Main Street
Salinas, CA 93901
831-755-5085
831-755-5485 FAX
www.mocovote.org

Napa County

Elections Division
900 Coombs Street, Rm. 256
Napa, CA 94559
707-253-4321
www.co.napa.ca.us

Nevada County

Nevada County Elections
Lorraine Jewett-Burdick
County Clerk Recorder
10433 Willow Valley Road
Nevada City, CA 95959
530-265-1298
www.co.nevada.ca.us/coclerk

County Elections Officials—Continued

Orange County

P.O. Box 11298
Santa Ana, CA 92711
1300 S. Grand Avenue, Bldg. C
Santa Ana, CA 92705
714-567-7600
www.oc.ca.gov/election/

Placer County

P.O. Box 5278
Auburn, CA 95604
530-886-5650
www.placer.ca.gov/clerk/elections/htm

Plumas County

520 Main Street, Rm. 102
Quincy, CA 95971
530-283-6256
pccr@psln.com

Riverside County

2724 Gateway Drive
Riverside, CA 92507
909-486-7200
909-486-7330—(Admin)
909-486-7335—(Admin FAX)
www.voteinfo.net

Sacramento County

Department of Voter Registration
and Elections
3700 Branch Center Road
Sacramento, CA 95827
916-875-6451
www.co.sacramento.ca.us/elections

San Benito County

440 5th Street, Rm. 206
Hollister, CA 95023
831-636-4016

San Bernardino County

Registrar of Voters
777 E. Rialto Avenue
San Bernardino, CA 92415-0770
909-387-8300
www.sbcrov.com or
www.co.san-bernardino.ca.us/rov

San Diego County

Registrar of Voters
5201 Ruffin Road, Ste. I
San Diego, CA 92123
858-565-5800
www.sdvote.com

San Francisco County

1 Dr. Carlton B Goodlett Place, Rm. 48
San Francisco, CA 94102
415-554-4375
www.ci.sf.ca.us/election

San Joaquin County

P.O. Box 810
Stockton, CA 95201
209-468-2890
www.co.san-joaquin.ca.us/elect.index.htm

San Luis Obispo County

Clerk-Records-Elections
1144 Monterey Street, Ste. A
San Luis Obispo, CA 93408
805-781-5228
www.slonet.org/~clerkrec/

San Mateo County

Registration and Elections Division
40 Tower Road
San Mateo, CA 94402
650-312-5222
www.care.co.sanmateo.ca.us

Santa Barbara County

P.O. Box 159
Santa Barbara, CA 93012
805-568-2201
www.sb-democracy.com

Santa Clara County

P.O. Box 1417
San Jose, CA 95108
408-299-VOTE (8683)
www.sccvote.org

Santa Cruz County

701 Ocean Street, Rm. 210
Santa Cruz, CA 95060
831-454-2060
www.co.santa-cruz.ca.us/ele

Shasta County

P.O. Box 990880
Redding, CA 96099-0880
530-225-5730
www.co.shasta.ca.us

Sierra County

P.O. DRAWER D
Downieville, CA 95936
530-289-3295

Siskiyou County

311 Fourth Street, Rm. 201
P.O. Box 338
Yreka, CA 96097
530-842-8086
www.co.siskiyou.ca.us

Solano County

P.O. Box I
Fairfield, CA 94533
707-421-6675
www.solanocounty.com/elections

Sonoma County

435 Fiscal Drive
P.O. Box 11485
Santa Rosa, CA 95406-1485
www.sonoma-county.org

Stanislaus County

County Elections
1021 I Street, # 101
Modesto, CA 95354
209-525-5200
www.stanislauselections.com

Sutter County

433 Second Street
Yuba City, CA 95991
530-822-7122

Tehama County

P.O. Box 250
633 Washington Street, Rm. 33
Red Bluff, CA 96080
530-527-8190

Trinity County

Elections Division
101 Court Street
Weaverville, CA 96093
530-623-1220
www.trinitycounty.org

Tulare County

Elections Division
221 S. Mooney Blvd., Rm. G-28
Visalia, CA 93291
559-733-6275
<http://tmx.com/tulare>

Tuolumne County

2 South Green Street
Sonora, CA 95370
209-533-5570

Ventura County

800 South Victoria Avenue
Ventura, CA 93009
805-654-2781
www.ventura.org/election/election.htm

Yolo County

625 Court Street, Rm. B05
P.O. Box 1820
Woodland, CA 95776
530-666-8133
www.dcn.davis.ca.us/go/election/

Yuba County

935 14th Street
Marysville, CA 95901
530-741-6545



A Description of State Ballot Measures

Legislative Bond Measure

Any bill that calls for the issuance of general obligation bonds must be adopted in each house of the Legislature by a two-thirds vote, be signed by the Governor and approved by a simple majority of the voters voting to be enacted. An overview of the state bond debt is included in every ballot pamphlet when a bond measure is on the statewide ballot.

Legislative Constitutional Amendment

This is an amendment to the California State Constitution that is proposed by the Legislature. It must be adopted in the Senate and the Assembly by a two-thirds vote of each house's members before being placed on the ballot. A legislative constitutional amendment does not require the Governor's signature. A simple majority of the public's vote enacts the amendment.

Legislative Initiative Amendment

Unless an initiative specifically allows for the Legislature to amend its provisions, the Legislature must submit any amendments to previously-adopted initiatives it proposes to the voters. An amendment requires a majority vote of the Senate and Assembly and must be signed by the Governor. If the measure gets more yes than no votes on the ballot, it becomes law.

Initiative

Often called "direct democracy", the initiative is the power of the people to place measures on the ballot. These measures can include proposals to create or change statutes, amendments to the Constitution or general obligation bonds. In order for an initiative that sets or changes state law to qualify to appear on the ballot, petitions must be turned in that have signatures of registered voters equal in number to 5% of the votes cast for all candidates for Governor in the last election. An initiative amending the State Constitution requires signatures equaling 8% of the gubernatorial vote. Again, the statewide vote to enact an initiative only requires a simple majority vote.

Referendum

Referendum is the power of the people to approve or reject statutes adopted by the Legislature, except those that are urgency, that call for elections, or that provide for tax levies or appropriations for usual current expenses of the state. Voters wishing to block implementation of a legislatively adopted statute must gather signatures of registered voters equal in number to 5% of the votes cast for all candidates for Governor in the last election within ninety days of enactment of the bill. Once on the ballot, the law proposed by the Legislature is blocked if voters cast more no votes than yes votes on the question.



This is California's first presidential primary to be conducted under the provisions of the Open Primary Law, enacted when voters adopted Proposition 198 in November 1996. The open primary allows voters to cast their ballots for any partisan candidate for state and/or federal office even though they are registered with another party or are not registered with any party at all; i.e. independents. However, national political party rules require that only party members may vote for presidential candidates to whom delegates to the party's presidential nominating convention are pledged.

In order to maintain the open primary as adopted by California voters, and also provide the political parties with the information they need, the State Legislature authorized a method by which county elections officials can determine party vote. Voters who are registered with a political party receive ballots marked to indicate their party. As the ballots are being counted on election night, the county's computer vote tallying program is able to report the vote cast by all voters for each of the presidential candidates, as well as

Voting in an Open Primary

how presidential delegates are selected

the vote cast by voters of each party for these candidates. It will, for example, report how Democrats voted for all candidates, how Republicans voted for all candidates, etc. Using these results, the Secretary of State's office can easily determine how many votes each of the party candidates received from members of their own party, without having you, the voter, change the method by which you vote on election day. For further information regarding these procedures, visit the Secretary of State's website at: www.ss.ca.gov.

Political Party Statements of Purpose

Reform Party

The *Reform Party of California's* goal is to create a better, improved system of government at both the state and federal levels. We promote greater participation by American citizens in their government, and promote government decisions that are in their best interest, rather than allowing special interest groups and big money to dictate policy!

The *Reform Party of California* will work to:

- Promote creativity and innovation in solving problems.
- Pilot test programs before full implementation and before full funding.
- Dramatically reduce the size of government!
- Work toward creating government and business partnerships.
- Demand the removal of laws and agencies when they don't work or no longer serve their intended purpose.
- Develop an evaluation system to rate legislation and programs once they are implemented. Publish the results to the public.

- Promote Honesty, Ethics, Integrity, and Excellence in Government.
 - Celebrate the positive, *i.e.*, when projects finish under budget and save American taxpayers money.
 - Demand fair trade and equal market access.
 - Promote the use of effective campaign finance controls.
 - Seriously re-think the entire taxation system.
 - Protect the patent system, America's lifeline to success, from being destroyed by big international corporate interests.
- Join us in working to build a better tomorrow!

PAUL D. HALE, *State Chair*

Reform Party of California

662 Manzanita Avenue, Sunnyvale, CA 94086

888-82-REFORM

E-mail: PaulHale1@earthlink.net

Website: <http://California.ReformParty.org>

Libertarian Party

The Libertarian Party, founded in 1971, is one of the most successful third parties in U.S. history. Dozens of Libertarians hold office across California, including Mendocino County District Attorney Norman L. Vroman, Calaveras County Supervisor Thomas Tryon, and Moreno Valley City Councilmember Bonnie Flickinger.

Libertarians are neither liberal nor conservative. Libertarians believe that you have the right to decide for yourself what's best for you and your family, and to act on that belief, so long as you respect the right of other people to do the same and you deal with them peacefully and honestly.

The Libertarian Party of California is dedicated to:

- Improving education by empowering parents, not bureaucrats, to make the important decisions for their children
- Increasing health care quality and access by removing government controls and instituting proven free market solutions

- Safer neighborhoods by punishing violent criminals rather than wasting resources prosecuting victimless crimes
 - A cleaner environment through innovative property rights solutions
 - Sharply reducing California's bloated \$81 billion state government
- Increasingly, voters frustrated with the status quo are turning to the Libertarian Party. We invite you to join us as we fight for everyone's liberty on every issue, all the time.

MARK W.A. HINKLE, *Chair*

Libertarian Party of California

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Republican Party

Abraham Lincoln, the first Republican President, fought to protect the freedoms of every American citizen. The California Republican Party shares his vision and spirit of fairness. Today, we are working hard to see that all of California's residents are empowered with the opportunity to enjoy the American dream.

Today, the California Republican Party is fighting for:

- *Better Schools* for our children. Parents, teachers and local school boards should decide what's best for our children—not the state education bureaucracy in Sacramento.
- *Safe Neighborhoods*, victims' rights and tougher criminal laws. No one is free if they feel threatened in their own homes and communities.
- *Tax Relief* and an accountable, efficient government responsive to the people who pay their salaries.

We feel that California's government today should be more like the businesses that serve you well. Your government should not be a burden in your life—saddling you with excessive taxes and regulations.

We are working for our state's future and to ensure that every Californian has the same opportunities regardless of race or ethnicity. Please join us as we work together to build a brighter, more prosperous California.

JOHN MCGRAW, *Chairman*

The California Republican Party

Ronald Reagan California Republican Center

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Natural Law Party

The Natural Law Party was founded to create a new, mainstream political party to offer voters forward-looking, prevention-oriented, scientifically proven solutions to America's problems. Our principles and programs harness the most up-to-date scientific knowledge of natural law—the intelligence of nature that governs our complex universe—and apply it to public policy.

Currently America's fastest growing political party, the Natural Law Party stands for prevention-oriented government, conflict-free politics, and proven solutions, including:

- Natural health care programs shown to prevent disease and cut costs
- Education that develops students' full potential through programs that increase intelligence and creativity
- Effective, field-tested crime prevention and rehabilitation programs
- Lowering taxes through cost-effective solutions, not reduced services

- Protecting the environment through energy efficiency and use of nonpolluting energy sources
- Safeguarding America's food supply through sustainable, organic agriculture practices
- Mandatory labeling and safety testing of genetically engineered foods
- Ensuring a strong economy by harnessing the creativity of our citizens and implementing pro-growth fiscal policies
- Promoting more prosperous, harmonious international relations by increasing the export of U.S. know-how, rather than weapons
- Ending special interest control of politics by eliminating PACs, soft money, and lobbying by former public servants

NATURAL LAW PARTY OF CALIFORNIA

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Political Party Statements of Purpose—Continued

Green Party

The Green Party's principles are expressed in our 10 Key Values: Ecological Wisdom, Grassroots Democracy, Social Justice, Nonviolence, Decentralization, Community-Based Economics, Feminism, Respect for Diversity, Personal and Global Responsibility, and Sustainability.

We advocate:

- Converting California's economy to long-term ecological sustainability.
- A livable wage and the right of all workers to organize.
- Ending corporate welfare.
- Universal health care, including holistic, integrative and mental health.
- Ensuring reproductive choice for all women.
- Increased educational funding, while allowing local schools to innovate.
- Increased funding of recently curtailed assistance programs to sustainable income levels.
- Affirmative action programs and an end to immigrant bashing.
- Proven bilingual education programs, and increased language training for all students.
- Decriminalizing drug use, funding proven treatment programs.
- A moratorium on prison construction.
- Ending the death penalty.

- Replacing winner-take-all election systems with proportional representation.
- Campaign finance reform which reduces the influence of money in politics.
- Ecologically sustainable land-use: urban, rural, agricultural.
- Preserving old growth forests.
- Promoting and protecting organic and family farming.
- Increasing public transit.
- Ending nuclear power. Supporting renewable energy: solar, wind and biomass.
- Taxing pollution, non-renewable energy and waste, rather than labor.
- Protecting children and youth from discrimination and exploitation.

GREEN PARTY OF CALIFORNIA

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American Independent Party

The American Independent Party, California Affiliate of the Constitution Party, believes in redeeming our country, by restoring the tenets of our U.S. Constitution and supports:

- The sanctity of human life, including the life of the unborn;
- Protection of the right of citizens to keep and bear arms as provided for in our Bill of Rights;
- Protection of American jobs from the foreign competition of NAFTA and GATT/WTO agreements;
- Control of immigration, legal and illegal, and denial of all tax funded benefits to illegal aliens;
- A debt free money system and abolishment of the I.R.S.;
- A non-interventionist foreign policy with a strong national defense free of waste and corruption.

We oppose any proposed revisions in the California Constitution which would limit the right to vote, impair the people's right of

initiative, frustrate voter adopted term limits, make it easier for the government to tax and spend or create non-responsive bureaucratic dominated regional governments.

We oppose government speculation with Social Security funds.

We oppose affirmative action programs which substitute racial favoritism for ability.

PAUL MEEUWENBERG, *State Chairman*

American Independent Party
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Democratic Party

Under the Democratic leadership of Governor Gray Davis, the State Legislature and U.S. Senators Dianne Feinstein and Barbara Boxer, California is entering the 21st century as a model of quality government.

Together, Democrats have:

- Improved our schools and increased our standards for education
- Ensured that California's economy will continue to flourish in the 21st century
- Passed the first on-time State budget in 13 years
- Demanded strong action to keep assault weapons and Saturday Night Specials off our streets and out of our schools
- Enacted meaningful HMO reform, giving healthcare decisions back to patients and their doctors

By returning Democrats to Congress, the State Legislature, the White House and by re-electing U.S. Senator Dianne Feinstein, we can continue to fight for the issues that matter most to Californians:

- Expanding educational opportunities, including hiring more teachers
- Further reducing violent crime, making our neighborhoods and schools even safer
- Defending a woman's right to choose
- Assisting our seniors by protecting Social Security and Medicare
- Enhancing environmental protections; insuring a clean environment for future generations
- Promoting tolerance and putting a stop to hate crimes

Please join us. Together, we can build a better California.

SENATOR ART TORRES, (Ret.), *Chairman*

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Text of the Proposed Laws

Proposition 1A: Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 11 of the 1999–2000 Regular Session (Resolution Chapter 142, Statutes of 1999) expressly amends the California Constitution by amending a section thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO SECTION 19 OF ARTICLE IV

SEC. 19. (a) The Legislature has no power to authorize lotteries, and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

(c) Notwithstanding subdivision (a) the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

(d) Notwithstanding subdivision (a), there is authorized the establishment of a California State Lottery.

(e) The Legislature has no power to authorize, and shall prohibit casinos of the type currently operating in Nevada and New Jersey.

(f) *Notwithstanding subdivisions (a) and (e), and any other provision of state law, the Governor is authorized to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. Accordingly, slot machines, lottery games, and banking and percentage card games are hereby permitted to be conducted and operated on tribal lands subject to those compacts.*

Proposition 12: Text of Proposed Law

This law proposed by Assembly Bill 18 of the 1999–2000 Regular Session (Chapter 461, Statutes of 1999) and Senate Bill 1147 of the 1999–2000 Regular Session (Chapter 638, Statutes of 1999) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Public Resources Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 1.692 (commencing with Section 5096.300) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.692. *SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000*
(THE VILLARAIGOSA-KEELEY ACT)

Article 1. General Provisions

5096.300. *This chapter shall be known, and may be cited, as the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act).*

5096.301. *Responding to the recreational and open-space needs of a growing population and expanding urban communities, this act will revive state stewardship of natural resources by investing in neighborhood parks and state parks, clean water protection, and coastal beaches and scenic areas.*

5096.302. *The Legislature finds and declares all of the following:*

(a) *Historically, California's local and neighborhood parks often serve as the recreational, social, and cultural centers for cities and communities, providing venues for youth enrichment, senior activities, and family recreation.*

(b) *Neighborhood and state parks provide safe places to play in the urban neighborhoods, splendid scenic landscapes, exceptional experiences, and world-recognized recreational opportunities, and in so doing, are vital to California's quality of life and economy.*

(c) *For over a decade, the state's commitment to parks and natural resources has dwindled. California has not kept pace with the needed funding to adequately manage and maintain its multibillion dollar investment in neighborhood, urban, and state parks and natural areas resulting in disrepair and overcrowding of many park facilities and the degradation of wild lands.*

(d) *The magnificent Pacific Coast, outstanding mountain ranges, and unique scenic regions are the source of tremendous economic opportunity and contribute enormously to the quality of life of Californians.*

(e) *Continued economic success and enjoyment derived from California's natural resources depends on maintaining clean water, healthy ecosystems, and expanding public access for a growing state.*

(f) *The backlog of needs for repair and maintenance of local and urban parks exceeds two billion five hundred million dollars and the need for maintenance of state parks exceeds one billion dollars. The state's conservancies and wildlife agencies report a need for habitat acquisition and restoration exceeding \$1.8 billion.*

(g) *This act will begin to address these critical neighborhood park and natural resources needs.*

5096.303. *The Legislature further finds and declares all of the following:*

(a) *Air pollution continues to be a major problem in California which harms the health of our residents, costs our economy billions of dollars related to health care costs, reduced agricultural productivity, and damage to our infrastructure, and otherwise decreases the quality of life in our state.*

(b) *Forests and trees improve air quality by removing carbon dioxide, particulates, and other pollutants from the air, and by producing oxygen.*

(c) *Park, open-space, and tree planting projects also improve air quality and decrease congestion by reducing sprawl, improving the quality of life in areas that are already developed by helping local agencies implement sound land use plans that promote energy efficiency, and by providing incentives to reduce development in inappropriate areas.*

5096.306. *It is the intent of the Legislature to strongly encourage every state or local government agency receiving the bond funds allocated pursuant to this chapter for an activity to give full and proper consideration to the use of recycled and reusable products whenever possible with regard to carrying out that activity.*

5096.307. (a) *Every proposed activity to be funded pursuant to this chapter shall be in compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000)).*

(b) *Lands acquired with funds allocated pursuant to this chapter shall be acquired from a willing seller of the land.*

5096.3075. *Upon a finding by the administering entity that a particular project for which funds have been allocated cannot be completed, or that the funds are in excess of the total needed, the Legislature may reallocate those funds for other high priority needs consistent with this act.*

5096.308. *As used in this chapter, the following terms have the following meanings:*

(a) *"Acquisition" means the acquisition from a willing seller of a fee interest or any other interest, including easements and development rights, in real property from a willing seller.*

(b) *"Board" means the Secretary of the Resources Agency designated in accordance with subdivision (b) of Section 5096.362.*

(c) *"Certified local community conservation corps programs" means programs operated by public or private nonprofit agencies pursuant to Section 14406.*

(d) *"Committee" means the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Finance Committee created pursuant to subdivision (a) of Section 5096.362.*

(e) *"District" means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3, any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780), or an authority formed pursuant to Division 26 (commencing with Section 35100). With respect to any community or unincorporated region that is not included within a district, and in which no city or county provides parks or recreational areas or facilities, "district" also means any other district that is authorized by statute to operate and manage parks or recreational areas or facilities, employs a full-time park and recreation director, offers year-round park and recreation services on lands and facilities owned by the district, and allocates a substantial portion of its annual operating budget to parks or recreation areas or facilities.*

(f) *"Fund" means the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Bond Fund created pursuant to Section 5096.310.*

(g) *"Historical resource" includes, but is not limited to, any building, structure, site area, place, artifact, or collection of artifacts that is historically or archaeologically significant in the cultural annals of California.*

(h) *"Program" means the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Program established pursuant to this chapter.*

(i) *"Secretary" means the Secretary of the Resources Agency.*

(j) (1) *"Stewardship" means the development and implementation of projects for the protection, preservation, rehabilitation, restoration, and improvement of natural systems and outstanding features of the state*

park system and historical and cultural resources. Those efforts may not include activities that merely supplement normal park operations or that are usually funded from other sources.

(2) (A) "Cultural resources stewardship" may include, but is not limited to, stabilization and protection of historical resources, including archaeological resources, in the state park system. Those resources may include sites, features, ruins, archaeological deposits, historical landscape resources, rock art features, and artifacts making up the physical legacy of California's past.

(B) "Cultural resources stewardship" does not include the rehabilitation, restoration, reconstruction, interpretation, or mitigation of historical resources typically required as part of a development program.

(3) "Natural resources stewardship" may include, but is not limited to, such objectives as the control of major erosion and geologic hazards, the restoration and improvement of critical plant and animal habitat, the control and elimination of exotic species encroachment, the stabilization of coastal dunes and bluffs, and the planning necessary to implement those objectives.

(k) "Wildlife conservation partnership" means a cooperative acquisition, restoration, or management of wildlife habitat for which the Wildlife Conservation Board provides matching funds to leverage other public, private, or nonprofit resources to maximize the conservation benefits to wildlife and wildlife habitat.

5096.309. Pursuant to guidelines issued by the secretary, all recipients of funding pursuant to this chapter shall post signs acknowledging the source of the funds.

Article 2. Safe Neighborhood Parks, Clean Water,

Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Program

5096.310. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Bond Fund, which is hereby created. Unless otherwise specified and except as provided in subdivision (m), the money in the fund shall be available for appropriation by the Legislature, in the manner set forth in this chapter, only for parks and resources improvement, in accordance with the following schedule:

(a) The sum of five hundred two million seven hundred fifty thousand dollars (\$502,750,000) to the department for the following purposes:

(1) To rehabilitate, restore, and improve units of the state park system that will ensure that state park system lands and facilities will remain open and accessible for public use.

(2) To develop, improve, rehabilitate, restore, enhance, and protect facilities and trails at existing units of the state park system that will provide for optimal recreational and educational use, activities, improved access and safety, and the acquisition from a willing seller of inholdings and adjacent lands. Adjacent lands are lands contiguous to, or in the immediate vicinity of, existing state park system lands and that directly benefit an existing state park system unit.

(3) For stewardship of the public investment in the preservation of the critical natural heritage and scenic features, and cultural heritage stewardship projects that will preserve vanishing remnants of California's landscape, and protect and promote a greater understanding of California's past, and the planning necessary to implement those efforts.

(4) For facilities and improvements to enhance volunteer participation in the state park system.

(5) To develop, improve, and expand interpretive facilities at units of the state park system, including educational exhibits and visitor orientation centers.

(6) To rehabilitate and repair aging facilities at winter recreation facilities pursuant to the Sno-Park program, as provided for in Chapter 1.27 (commencing with Section 5091.01), that provide for improved public safety.

(7) For projects that improve air quality related to the state park system, including, but not limited to, the purchase of low-emission or advanced technology vehicles and equipment and clean fuel distribution facilities that will avoid or reduce air emissions at state park facilities.

(b) The sum of eighteen million dollars (\$18,000,000) to the department to undertake stewardship projects, including cultural resources stewardship and natural resources stewardship projects, that will restore and protect the natural treasures of the state park system, preserve vanishing remnants of California's landscape, and protect and promote a greater understanding of California's past.

(c) The sum of four million dollars (\$4,000,000) to the department for facilities and improvements to enhance volunteer participation in the state park system.

(d) The sum of twenty million dollars (\$20,000,000) to the department for grants to local agencies administering units of the state park system under an operating agreement with the department, for the development, improvement, rehabilitation, restoration, enhancement, protection, and interpretation of lands and facilities of, and improved access to, those locally operated units.

(e) The sum of ten million dollars (\$10,000,000) to the department

for purposes consistent with Section 5079.10, for competitive grants, in accordance with Section 5096.335.

(f) The sum of three hundred eighty-eight million dollars (\$388,000,000) to the department for grants, in accordance with Sections 5096.332, 5096.333, and 5096.336, on the basis of population, for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and interpretation of local park and recreational lands and facilities, including renovation of recreational facilities conveyed to local agencies resulting from the downsizing or decommissioning of federal military installations.

(g) The sum of two hundred million dollars (\$200,000,000) to the department for grants to cities, counties, and districts for the acquisition, development, rehabilitation, and restoration of park and recreation areas and facilities pursuant to the Roberti-Z'berg-Harris Urban Open-Space and Recreational Program Act (Chapter 3.2 (commencing with Section 5620)).

(h) The sum of ten million dollars (\$10,000,000) to the department for grants, in accordance with Section 5096.337, for the improvement or acquisition and restoration of riparian habitat, riverine aquatic habitat, and other lands in close proximity to rivers and streams for river and stream trail projects undertaken in accordance with Section 78682.2 of the Water Code, and for purposes of Section 7048 of the Water Code.

(i) The sum of ten million dollars (\$10,000,000) to the department for grants, in accordance with Section 5096.337, for the development, improvement, rehabilitation, restoration, enhancement, and interpretation of nonmotorized trails for the purpose of increasing public access to, and enjoyment of, public areas for increased recreational opportunities. Not less than one million five hundred thousand dollars (\$1,500,000) of this amount shall be allocated toward the completion of a project that links existing bicycle and pedestrian trail systems to major urban public transportation systems, to promote increased recreational opportunities and nonmotorized commuter usage in the City of Whittier. Of this amount, no less than two hundred seventy-five thousand dollars (\$275,000) shall be allocated to the East Bay Regional Park District toward the completion of the Iron Horse Trail. Of this amount, not less than one million dollars (\$1,000,000) shall be allocated to a regional park district for the completion of a bike trail in the City of Concord.

(j) The sum of one hundred million dollars (\$100,000,000) to the department for grants to public agencies and nonprofit organizations for park, youth center, and environmental enhancement projects that benefit youth in areas that lack safe neighborhood parks, open space, and natural areas, and that have significant poverty.

(k) The sum of two million five hundred thousand dollars (\$2,500,000) to the California Conservation Corps to complete capital outlay and resource conservation projects and administrative costs allocable to the bond funded projects.

(l) The sum of eighty-six million five hundred thousand dollars (\$86,500,000) to the department for the following purposes:

(1) The sum of seventy-one million five hundred thousand dollars (\$71,500,000) for grants, in accordance with Sections 5096.339 and 5096.340, for urban recreational and cultural centers, including, but not limited to, zoos, museums, aquariums, and facilities for wildlife, environmental, or natural science aquatic education or projects that combine curation of archaeological, paleontological, and historic resources with education and basic and applied research, and that emphasize specimens of California's extinct prehistoric plants and animals.

(2) The sum of fifteen million dollars (\$15,000,000) for grants for regional youth soccer and baseball facilities operated by nonprofit organizations. Priority shall be given to those grant projects that utilize existing school facilities or recreation facilities and serve disadvantaged youth.

(m) Notwithstanding Section 13340 of the Government Code, the sum of two hundred sixty-five million five hundred thousand dollars (\$265,500,000) is, except as provided in Section 5096.350, hereby continuously appropriated to the Wildlife Conservation Board, without regard to fiscal years, in accordance with Section 5096.350.

(n) The sum of fifty million dollars (\$50,000,000) to the California Tahoe Conservancy, in accordance with Section 5096.351.

(o) The sum of two hundred twenty million four hundred thousand dollars (\$220,400,000) to the State Coastal Conservancy, in accordance with Section 5096.352.

(p) The sum of thirty-five million dollars (\$35,000,000) to the Santa Monica Mountains Conservancy, in accordance with Section 5096.353.

(q) The sum of five million dollars (\$5,000,000) to the Coachella Valley Mountains Conservancy, in accordance with Section 5096.354.

(r) The sum of fifteen million dollars (\$15,000,000) to the San Joaquin River Conservancy, in accordance with Section 5096.355.

(s) The sum of twelve million five hundred thousand dollars (\$12,500,000) to the California Conservation Corps for grants for the certified local community conservation corps program to complete capital outlay and resource conservation projects.

(t) The sum of twenty-five million dollars (\$25,000,000) to the Department of Conservation in accordance with Section 5096.356.

Text of Proposed Laws—Continued

(u) The sum of ten million dollars (\$10,000,000) to the Department of Forestry and Fire Protection for urban forestry programs in accordance with Section 4799.12. The grants made pursuant to this subdivision shall be for costs associated with the purchase and planting of trees, and up to three years of care which ensures the long-term viability of those trees.

(v) Notwithstanding Section 711 of the Fish and Game Code, the sum of twelve million dollars (\$12,000,000) to the Department of Fish and Game for the following purposes:

(1) The sum of five million dollars (\$5,000,000) for expenditure in accordance with subdivision (a) of Section 5096.357.

(2) The sum of five million dollars (\$5,000,000) for expenditure in accordance with subdivision (b) of Section 5096.357.

(3) The sum of two million dollars (\$2,000,000) to remove nonnative vegetation harmful to ecological reserves in San Diego County.

(w) The sum of thirty million dollars (\$30,000,000) shall be available for purposes of Chapter 4.5 (commencing with Section 31160) of Division 21. Two hundred fifty thousand dollars (\$250,000) shall be allocated to Mount Diablo State Park.

(x) The sum of seven million dollars (\$7,000,000) to the California Integrated Waste Management Board for grants to local agencies to assist them in meeting state and federal accessibility standards relating to public playgrounds if the local agency guarantees that 50 percent of the grant funds will be used for the improvement or replacement of playground equipment or facilities through the use of recycled materials and that matching funds in an amount equal to not less than 50 percent of the total amount of those grant funds will be provided through either public or private funds or in-kind contributions. The board may reduce this matching fund requirement to not less than 25 percent if it determines that the 50-percent requirement would impose an extreme financial hardship on the local agency applying for the grant. The board may expend the funds allocated pursuant to this subdivision, upon appropriation by the Legislature, for the purposes specified herein.

(y) The sum of fifteen million dollars (\$15,000,000) to a city for rehabilitation, restoration, or enhancement to a city park that is over 1,000 acres that serves an urban area of over 750,000 population in northern California and that provides recreational, cultural, and scientific resources.

(z) (1) The sum of six million two hundred fifty thousand dollars (\$6,250,000) to the secretary to administer grants to the Sierra Nevada-Cascade Program, in accordance with Section 5096.347.

(2) The sum of thirty-three million five hundred thousand dollars (\$33,500,000) to the secretary to administer a river parkway and restoration program to assist local agencies and other districts to plan, create, and conserve river parkways. The secretary shall make funds available in accordance with Sections 7048 and 78682.2 of the Water Code, and any other applicable authority, for the following purposes:

(A) Twenty-five million dollars (\$25,000,000) for the acquisition or restoration of public lands within the Los Angeles River Watershed, the San Gabriel River Watershed, and the San Gabriel Mountains and to provide open space, nonmotorized trails, bike paths, and other low-impact recreational uses and wildlife and habitat restoration and protection. Ten million dollars (\$10,000,000) shall be allocated for the Los Angeles River Watershed, and fifteen million dollars (\$15,000,000) shall be allocated for the San Gabriel River Watershed and the San Gabriel Mountains and lower Los Angeles River.

(B) Two million five hundred thousand dollars (\$2,500,000) for river parkway projects along the Kern River between the mouth of the Kern Canyon and I-5.

(C) One million dollars (\$1,000,000) for land acquisition in the Santa Clara Watershed.

(D) Three million dollars (\$3,000,000) for watershed, riparian, and wetlands restoration along the Sacramento River in Yolo, Glenn, and Colusa Counties.

(E) Two million dollars (\$2,000,000) for the construction of a visitor center at a state recreation area encompassing a body of water along the American River.

(3) The sum of two million dollars (\$2,000,000) to the secretary for resource conservation and urban water recycling that addresses multicounty regional recreational needs, provides habitat restoration, and enjoys joint sponsorship by multiple local agencies and nonprofit organizations in the County of Sonoma.

(4) The sum of one million one hundred thousand dollars (\$1,100,000) to the secretary, one hundred thousand dollars (\$100,000) of which shall be made available to fund a community center in San Benito County, one hundred thousand dollars (\$100,000) of which shall be made available to fund a veterans park in San Benito County, five hundred thousand dollars (\$500,000) of which shall be made available to fund a community center in the City of Galt, and four hundred thousand dollars (\$400,000) of which shall be made available to fund a community center in the City of Gilroy.

(5) The sum of two million dollars (\$2,000,000) to the secretary for Camp Arroyo in Alameda County.

(6) The sum of one million dollars (\$1,000,000) to the secretary to construct a rehabilitation center for injured endangered and indigenous

wild animals at the Wildhaven Center in the San Bernardino Mountains.

Article 3. State Park System Program

5096.320. The Legislature hereby recognizes that public financial resources are inadequate to meet all capital outlay needs of the state park system and that the need for the acquisition, development, restoration, rehabilitation, improvement, and protection of state park system lands and facilities has increased to the point that their continued well-being and the realization of their full public benefit is in jeopardy.

(a) The department shall annually submit to the Legislature and to the secretary a report, consisting of a prioritized listing and comparative evaluation of needs.

(b) Projects approved by the secretary shall be forwarded by the secretary to the Director of Finance for inclusion in the Budget Bill.

5096.322. (a) No later than November 1, 2001, the director shall determine the amount of funding that is necessary to complete all deferred maintenance projects within each unit of the state park system.

(b) Except as provided in subdivision (c), no proceeds of the bonds issued and sold pursuant to this chapter may be used to acquire improved property for a unit of the state park system until 75 percent of the amount determined pursuant to subdivision (a) has been appropriated, and allocated to complete deferred maintenance projects within that unit from an appropriated funding source other than the proceeds of the bonds issued and sold pursuant to this chapter.

(c) Real property may be acquired under this chapter for a unit of the state park system that does not meet the requirements of subdivision (b) only if the director finds, with respect to that unit, that a unique opportunity is presented to acquire real property that will constitute a significant improvement of the state park system.

(d) As used in this section, "deferred maintenance project" means any project identified in the department's 2001 Deferred Maintenance Assessment that rehabilitates or repairs a facility to a safe and usable condition for the visiting public.

5096.323. Fifty million dollars (\$50,000,000) of the funds allocated pursuant to subdivision (a) of Section 5096.310 shall be expended for the acquisition of land from willing sellers that are a high priority for both the state parks system and for habitat purposes, with priority given to projects that protect habitat for rare, threatened, or endangered species pursuant to a natural community conservation plan adopted pursuant to Chapter 10 (commencing with Section 2800) of Division 10 of the Fish and Game Code, if the acquisition of the land is conducted in conjunction with a natural community conservation plan approved by the Department of Fish and Game prior to January 1, 1999, or if the acquisition is approved by statute. Notwithstanding paragraph (2) of subdivision (a) of Section 5096.310, those land acquisitions may be for either new or existing units of the state park system.

5096.324. Funds appropriated to the department pursuant to subdivision (a) of Section 5096.310 shall be made available for the following purposes:

(a) The sum of fifteen million dollars (\$15,000,000) to preserve and restore a unit of the state parks system that preserves and restores cultural and historical immigration resources in northern California.

(b) The sum of two million six hundred thousand dollars (\$2,600,000) to construct visitor centers in state parks, state recreation areas, and state historic parks. The department shall give priority to projects at Chino Hills State Park and California Citrus State Historic Park.

(c) Up to six hundred fifty thousand dollars (\$650,000) for playground equipment upgrades in state recreation areas.

(d) The sum of two hundred fifty thousand dollars (\$250,000) for restoration of state reserves that maintain the state flower.

(e) The sum of one million dollars (\$1,000,000) for restoration of state beaches.

(f) The sum of five million dollars (\$5,000,000) for restoration, study, and curation of paleontological, archaeological, and historical resource site protection. Priority shall be given to projects that combine curation of archaeological, paleontological, and historical resources with education and basic and applied research, and that emphasize specimens of California's extinct prehistoric plants and animals.

(g) The sum of two million seven hundred fifty thousand dollars (\$2,750,000), two million five hundred thousand dollars (\$2,500,000) of which shall be allocated for capital outlay projects at the Empire Mine State Historic Park, and two hundred fifty thousand dollars (\$250,000) of which shall be allocated for Columbia State Historic Park.

(h) The sum of ten million dollars (\$10,000,000) for the acquisition of lands from willing sellers of lands that are forested with redwoods or that will enhance the protection or preservation of the redwood forest ecosystem. The department shall give preference to projects where matching contributions in funding from other public agencies, private parties, or nonprofit organizations are available.

(i) Up to five hundred thousand dollars (\$500,000) to construct trails, trailheads, and parking, and to provide nonvehicular public access between the Bear and Mendoza Ranch open space and adjacent Henry Coe State Park.

Article 4. Grant Program

5096.331. The Legislature hereby recognizes that public financial resources are inadequate to meet all of the funding needs of local public park and recreation providers and that there is an urgent need for safe, open, and accessible local park and recreational facilities and for the increased recreational opportunities that provide positive alternatives to social problems. Accordingly, it is declared to be the policy of this state that the funds allocated pursuant to subdivisions (f) and (g) of Section 5096.310 to local agencies shall be appropriated primarily for projects that accomplish all of the following:

(a) Rehabilitate facilities at existing local parks that will provide for more efficient management and reduced operational costs. This may include grants to local agencies for the renovation of recreational facilities conveyed to local agencies resulting from the downsizing and decommissioning of federal military installations.

(b) Develop facilities that promote positive alternatives for youth and that promote cooperation between local park and recreation service providers and youth-serving nonprofit organizations.

(c) Promote family oriented recreation, including art activities.

(d) Provide for open, safe, and accessible local park lands, facilities, and botanical gardens.

5096.332. (a) Sixty percent of the total funds available for grants pursuant to subdivision (f) of Section 5096.310 shall be allocated to cities and to districts other than a regional park district, regional park and open-space district, or regional open-space district. Each city's and district's allocation shall be in the same ratio as the city's or district's population is to the combined total of the state's population that is included in incorporated areas and unincorporated areas within the district, except that each city or district shall be entitled to a minimum allocation of thirty thousand dollars (\$30,000). In any instance in which the boundary of a city overlaps the boundary of such a district, the population in the area of overlapping jurisdictions shall be attributed to each jurisdiction in proportion to the extent to which each operates and manages parks and recreational areas and facilities for that population. In any instance in which the boundary of a city overlaps the boundary of such a district, and in the area of overlap the city does not operate and manage parks and recreational areas and facilities, all grant funds shall be allocated to the district.

(b) Each city and each district subject to subdivision (a) whose boundaries overlap shall develop a specific plan for allocating the grant funds in accordance with the formula specified in subdivision (a). If, by April 1, 2001, the plan has not been agreed to by the city and district and submitted to the department, the director shall determine the allocation of the grant funds among the affected jurisdictions.

5096.333. (a) Forty percent of the total funds available for grants pursuant to subdivision (f) of Section 5096.310 shall be allocated to counties and regional park districts, regional park and open-space districts, or regional open-space districts formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3.

(b) Each county's allocation under subdivision (a) shall be in the same ratio as the county's population, except that each county shall be entitled to a minimum allocation of one hundred fifty thousand dollars (\$150,000).

(c) In any county that embraces all or part of the territory of a regional park district, regional park and open-space district, or regional open-space district, whose board of directors is not the county board of supervisors, the amount allocated to the county shall be apportioned between that district and the county in proportion to the population of the county that is included within the territory of the district and the population of the county that is outside the territory of the district.

(d) In any county that currently embraces all or a part of the territory of a regional open-space district and an authority formed pursuant to Division 26 (commencing with Section 35100), the allocation shall be distributed between the county and these entities as follows:

(1) First, the funds shall be apportioned between the district and the county in proportion to the population of the county that is included within the territory of the district, and the proportion of the population of the county that is outside the district. The amounts resulting from this calculation shall be known as the district's share, and the county's first balance. The district's share shall be allocated to the district. The county's first balance shall be further apportioned as provided in paragraph (2).

(2) The county's first balance, as determined in accordance with paragraph (1), shall be further apportioned between the authority and the county in proportion to the population of the county that is included within the territory of the authority, and the proportion of the population of the county that is outside the authority. The amounts resulting from this calculation shall be known as the authority's share, and the county's second balance.

(3) The authority's share shall be divided equally between the county and the authority. The county shall receive all of the county's second balance.

5096.334. Notwithstanding Section 5096.331, of the funds allocated on the basis of population pursuant to subdivision (f) of Section 5096.310 within counties with a population of five million persons or

more, not less than 75 percent of the total amount shall be available as follows:

(a) Not less than 20 percent for land acquisition, construction, development, and rehabilitation of at-risk youth recreation facilities. As used in this section, "at-risk youth" means persons who have not attained the age of 21 years and are at high risk of being involved in, or are involved in, one or more of the following: gangs, juvenile delinquency, criminal activity, substance abuse, adolescent pregnancy, or school failure or dropout.

(b) Not less than 40 percent for projects within the most economically disadvantaged areas, which may include projects along river parkways, conservation corridors, and parkways along corridors of economic significance.

(c) Not less than 10 percent for urban reforestation projects.

(d) Not more than 5 percent for projects that convert publicly owned land to a neighborhood park providing open-space, recreational, cultural, and festival opportunities, if the bond proceeds do not exceed 25 percent of the total project cost and there is a 75 percent funding match.

5096.335. Funds authorized pursuant to subdivision (e) of Section 5096.310 shall be administered by the State Office of Historic Preservation and shall be available as grants, on a competitive basis, to cities, counties, districts, local agencies formed for park purposes pursuant to a joint powers agreement between two or more local entities, and nonprofit organizations for the acquisition, development, rehabilitation, restoration, and interpretation of historical resources.

5096.336. (a) Of the funds authorized pursuant to subdivision (f) of Section 5096.310, three hundred thirty-eight million dollars (\$338,000,000) shall be available for grants to cities, counties, and districts on the basis of their populations, as determined by the department in cooperation with the Department of Finance, on the basis of the most recent verifiable census data and other population data that the department may require to be furnished by the applicant city, county, or district.

(b) Of the funds authorized pursuant to subdivision (f) of Section 5096.310, fifty million dollars (\$50,000,000) available for grants pursuant to subdivision (f) of Section 5096.310 shall be allocated to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population. For purposes of this subdivision, "urbanized counties" means a county with a population of 200,000 or greater.

5096.337. (a) Funds authorized pursuant to subdivisions (h), (i), and (z) of Section 5096.310 shall be available as grants, on a competitive basis, to cities, counties, districts, local agencies formed for park purposes pursuant to a joint powers agreement as defined in subdivision (b), and other districts, as defined in subdivision (c).

(b) For purposes of this section, "local agency" means any local agency formed for park purposes pursuant to a joint powers agreement between two or more local entities, excluding school districts.

(c) For purposes of this section, "other districts" include any district authorized to provide park, recreational, or open-space services, or a combination of those services, except a school district.

5096.338. The funds allocated pursuant to subdivision (j) of Section 5096.310 shall, upon appropriation in the annual Budget Act, be available for existing or new entities or programs designated by statute for grants to public agencies and nonprofit organizations, and for related administrative costs. At least 50 percent of the funds shall be available for grants to local public agencies and districts.

5096.339. (a) Not less than 11 percent of the funds authorized in paragraph (1) of subdivision (l) of Section 5096.310 shall be available as grants administered by the department to cities, counties, and nonprofit organizations for the development, rehabilitation, or restoration of facilities accredited by the American Zoo and Aquarium Association (AZA) and operated by cities, counties, and nonprofit organizations, and to cities, counties, and nonprofit organizations for the development, rehabilitation, or restoration of zoos and aquariums operated by cities, counties, and nonprofit organizations, but not yet accredited by the AZA. This program shall be known, and may be cited, as the Dr. Paul Chaffee Zoological Program. Allocation in awarding grants pursuant to this section shall be in accordance with the following schedule:

(1) Individual grants of up to one million dollars (\$1,000,000), or an amount to be determined by dividing 95 percent of the total zoo and aquarium funds available pursuant to this subdivision by the number of AZA accredited institutions at the time of enactment of this section, shall be made available to zoos and aquariums that are AZA accredited.

(2) Not less than 20 percent or two million dollars (\$2,000,000), whichever is greater, of the funds available pursuant to this subdivision shall be reserved for institutions with annual operating budgets of less than one million dollars (\$1,000,000).

(3) Not more than 5 percent of the total funds available pursuant to this subdivision, shall be made available as grants to zoos and aquariums that have initiated the AZA accreditation process but are not yet accredited at the time of the enactment of this section. Grants awarded under this subdivision shall be dedicated to projects which will enhance the institution's ability to meet standards of AZA accreditation.

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(4) Not more than 5 percent of the total funds available pursuant to this subdivision shall be granted for publicly owned or nonprofit zoos and wildlife centers that may not be accredited, but that care for animals that have been injured or abandoned and that cannot be returned to the wild. To be eligible for this portion of those funds, applicants shall demonstrate that they serve a regional area, foster the environmental relationships of animals within that region, and operate outreach and onsite programs communicating those objectives to the public.

(b) At least ten million dollars (\$10,000,000) of the funds allocated pursuant to paragraph (1) of subdivision (l) of Section 5096.310 shall be provided to the California Science Center for implementation of the Exposition Master Plan. Three million dollars (\$3,000,000) of this amount shall be made available to the California African-American Museum for completion of its education and visitor facility in Exposition Park and seven million dollars (\$7,000,000) of this amount shall be made available for the California Science Center School.

(c) Not less than five hundred thousand dollars (\$500,000) of the funds allocated pursuant to paragraph (1) of subdivision (l) of Section 5096.310 shall be available as grants for facilities for education programs focused on the National Marine Sanctuaries along California's coast.

(d) Not less than forty-four million seven hundred fifty thousand dollars (\$44,750,000) of the funds allocated pursuant to paragraph (1) of subdivision (l) of Section 5096.310 shall be made available for the following purposes:

(1) At least ten million dollars (\$10,000,000) shall be provided to the Discovery Science Center in Santa Ana for capital improvement.

(2) At least ten million dollars (\$10,000,000) shall be provided to the California Academy of the Sciences for capital improvement projects.

(3) At least two million dollars (\$2,000,000) shall be provided toward the creation of the Delta Science Center to carry out significant marine and delta aquatic education and interpretive programs.

(4) At least fifteen million dollars (\$15,000,000) shall be provided to the Alliance of Redding Museums for capital improvements for the Turtle Bay-Museums and the Arboretum on the River.

(5) An individual grant of four million two hundred fifty thousand dollars (\$4,250,000) shall be made to the California Division of Fairs and Expositions of the Department of Food and Agriculture for capital outlay to assist with an approved contract entered into on or before January 1, 2000, for an exposition or state fair relocation in any county with a population greater than 5,000,000.

(6) The sum of three million five hundred thousand dollars (\$3,500,000) to enhance the two-acre historical exhibit at the Kern County Museum.

5096.340. (a) Not less than 11 percent of the funds authorized in paragraph (1) of subdivision (l) of Section 5096.310 shall be available as grants on a competitive basis to cities, counties, and nonprofit organizations for the development or rehabilitation of real property consisting of urban recreational and cultural centers, museums, and facilities for wildlife education or environmental education.

(b) To be eligible for funding, a project shall initially be nominated by a Member of the Legislature for study by the department. The department shall study each project so nominated and, prior to the April 1 preceding the fiscal year in which funds are proposed to be appropriated, shall submit to the Legislature a prioritized listing and comparative evaluation of all projects nominated prior to the preceding July 1.

(c) In establishing priorities of projects, the department shall consider any favorable project characteristics, including, but not limited to, all of the following:

(1) The project will interpret one or more important California historical, cultural, economic, or resource themes or an important historical, cultural, economic, technological, or resource theme in a major region of California. Higher priority shall be assigned to projects whose themes are not interpreted in any existing museum or have demonstrable deficiencies in their presentation in an existing museum.

(2) The project is proposed to be operated on lands that are already in public ownership or on lands that will be acquired and used for the project in conjunction with adjoining public lands.

(3) Projects that are closely related geographically to the resources, activity, structure, place, or collection of objects to be interpreted, and are close to population centers and access routes.

(4) Projects that are in, or close to, population centers or are adjacent to, or readily served by, a state highway or other mode of public transportation.

(5) Projects for which there are commitments, or the serious likelihood of commitments, of funds or the donation of land or other property suitable for the project.

(d) The department shall annually forward a list of the highest priority projects to the Department of Finance for inclusion in the Budget Bill.

(e) An application for a grant for a cooperative museum project shall be submitted jointly by the city, county, or other public agency, an

institute of higher learning, or a nonprofit organization that cooperatively is operating, or will operate, the project.

5096.341. (a) The director shall prepare and adopt criteria and procedures for evaluating applications for grants allocated pursuant to subdivisions (f), (g), (h), (i), and (l) of Section 5096.310. Individual applications for funds shall be submitted to the department for approval as to their conformity with the requirements of this chapter. The application shall be accompanied by certification from the planning agency of the applicant that the project for which the grant is requested is consistent with the park and recreation element of the applicable city or county general plan or the district park and recreation plan, as the case may be, and will satisfy a high priority need. To utilize available grant funds as effectively as possible, overlapping or adjoining jurisdictions are encouraged to combine projects and submit a joint application.

(b) Any applicant may allocate all or a portion of its per capita share for a regional or state project.

(c) The director shall annually forward a statement of the total amount to be appropriated in each fiscal year for projects approved for grants pursuant to subdivisions (f), (g), (h), (i), and (l) of Section 5096.310 to the Director of Finance for inclusion in the Budget Bill. A list of eligible jurisdictions and the amount of grant funds to be allocated to each shall also be made available by the department.

(d) (1) Funds appropriated for grants pursuant to subdivisions (f), (g), (h), (i), and (l) of Section 5096.310 shall be encumbered by the recipient within three years from the date that the appropriation became effective. Regardless of the date of encumbrance of the granted funds, the recipient is expected to complete all funded projects within eight years of the effective date of the appropriation.

(2) Commencing with the Budget Bill for the 2009–10 fiscal year, any grant funds appropriated pursuant to subdivisions (f), (g), (h), (i), and (l) of Section 5096.310 that have not been expended by the grantee shall revert to the fund and be available for appropriation by the Legislature for one or more of the categories specified in Section 5096.310 that the Legislature determines to be of the highest priority statewide.

5096.342. (a) Grant funds appropriated pursuant to subdivisions (f), (g), (h), (i), and (l) of Section 5096.310 may be expended by the grantee only for projects on lands owned by, or subject to a lease or other interest held by, the grantee.

(b) If a grant applicant does not have fee title to the lands, the applicant shall demonstrate to the satisfaction of the department that the proposed project will provide public benefits that are commensurate with the type and duration of the interest in land that is held by the applicant.

5096.343. (a) Except as provided in subdivision (c), no grant funds authorized pursuant to subdivisions (f), (g), (h), (i), and (l) of Section 5096.310 may be disbursed unless the applicant has agreed, in writing, to both of the following:

(1) To maintain and operate the property funded pursuant to this chapter for a period that is commensurate with the type of project and the proportion of state funds and local matching funds or property allocated to the capital costs of the project. With the approval of the department, the grantee, or the grantee's successor in interest in the property, may transfer the responsibility to maintain and operate the property in accordance with this section.

(2) To use the property only for the purposes for which the grant was made and to make no other use or sale or other disposition of the property, except as authorized by specific act of the Legislature.

(b) The agreements specified in subdivision (a) shall not prevent the transfer of the property from the applicant to a public agency, if the successor public agency assumes the obligations imposed by those agreements.

(c) If the use of the property is changed to a use that is not permitted by the category from which the grant funds were appropriated, or if the property is sold or otherwise disposed of, an amount equal to (1) the amount of the grant, (2) the fair market value of the real property, or (3) the proceeds from the sale or other disposition, whichever is greater, shall be used by the grantee for a purpose authorized by that category, pursuant to agreement with the department as specified in subdivision (a), or shall be reimbursed to the fund and be available for appropriation by the Legislature only for a purpose authorized by that category. If the property sold or otherwise disposed of is less than the entire interest in the property funded with the grant, an amount equal to either the proceeds from the sale or other disposition of the interest or the fair market value of the interest sold or otherwise disposed of, whichever is greater, shall be used by the grantee for a purpose authorized by the category from which the funds were appropriated, pursuant to agreement with the department as specified in subdivision (a), or shall be reimbursed to the fund and be available for appropriation by the Legislature only for a use authorized by that category.

5096.344. All grants, gifts, devises, or bequests to the state, that are conditioned upon being used for park, conservation, recreational, agricultural, or other such purposes, may be accepted and received on behalf of the state by the appropriate departmental director, with the

approval of the Director of Finance, and those grants, gifts, devises, or bequests may be available, upon appropriation by the Legislature, for expenditure for the purposes specified in Section 5096.310.

5096.345. Except for funds continuously appropriated by this chapter, all appropriations of funds pursuant to Section 5096.310 for purposes of the program shall be included in the Budget Bill for the 2001–02 fiscal year, and each succeeding fiscal year, for consideration by the Legislature, and shall bear the label “Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Fund.” The Budget Bill section shall contain separate items for each project, each class of project, or each element of the program for which an appropriation is made.

Article 4.5. Clean Air Improvement Program

5096.346. (a) In allocating funds pursuant to subdivision (u) of Section 5096.310, the Department of Forestry and Fire Protection shall give preference to the planting of trees that provide greater air quality benefits and to urban forestry projects that provide greater energy conservation benefits.

(b) The Department of Forestry and Fire Protection shall consult with the State Air Resources Board in developing guidelines for the allocation of grant funds pursuant to subdivision (u) of Section 5096.310 that promote air quality benefits.

(c) State and local agencies shall consider potential air quality benefits when allocating funds received pursuant to this chapter.

Article 4.6. Sierra Nevada-Cascade Mountain Region

5096.347. (a) The Legislature hereby finds and declares that the Sierra Nevada and Cascade Mountain Region constitutes a unique and important environmental, anthropological, cultural, scientific, educational, recreational, scenic, water, watershed, and wildlife resource that should be held in trust for the enjoyment of, and appreciated by, present and future generations.

(b) The secretary shall administer grants to the Sierra Nevada-Cascade Program to assist local governments, agencies, districts, and nonprofit organizations working in collaboration with those local governments, agencies, and districts to plan, create, and conserve the Sierra-Cascade natural ecosystem. The secretary shall make funds available on a competitive basis for all of the following activities:

(1) The acquisition and restoration of riparian habitat in accordance with Sections 7048 and 78682.2 of the Water Code to improve water quality, and to protect, restore, or rehabilitate watersheds, streams, wetlands, or other aquatic habitat.

(2) Capital improvement projects that provide park and recreational opportunities.

(3) Access to trails and public lands, in accordance with Article 6 (commencing with Section 5070) of Chapter 1 of Division 5.

(4) Acquisition of park lands or recreational facilities.

(c) The secretary shall give priority to fund up to two million dollars (\$2,000,000) for Commons Beach improvements on properties owned or administered by local agencies in the Lake Tahoe area, that will provide improved lake access, bicycle and pedestrian trail linkages, and interpretative facilities.

(d) The secretary may provide the following capital outlay grants:

(1) Five hundred thousand dollars (\$500,000) for capital outlay to an incorporated city all or part of the territory of which is located within five miles of the boundary line between San Joaquin County and Sacramento County.

(2) Two hundred fifty thousand dollars (\$250,000) to the department for the renovation of a state historical point of interest near the intersection of Jack Tone Road and State Highway 88.

(e) For the purposes of this article, the Sierra Nevada-Cascade Mountain Region includes those portions of Fresno County, Kern County, Stanislaus County, and Tulare County, and counties with populations of less than 250,000 as of the 1990 United States Census, that are located in the mountains, the foothills, and the area adjacent to the geologic formations of the Sierra Nevada and Cascade mountain ranges.

Article 4.7. Murray-Hayden Urban Parks and Youth Service Program

5096.348. (a) Notwithstanding any other provision of this chapter, funds allocated pursuant to subdivision (j) of Section 5096.310 shall be allocated, upon appropriation by the Legislature, for parks, park facilities, or environmental youth service centers that are within the immediate proximity of a neighborhood that has been identified by the department as having a critical lack of park or open-space lands or deteriorated park facilities, that are in an area of significant poverty and unemployment, and that have a shortage of services for youth. Priority shall be given to capital projects that employ neighborhood residents and at-risk youth.

(b) (1) Fifty percent of the funds allocated pursuant to subdivision (j) of Section 5096.310 shall be made available on a competitive basis to heavily urbanized counties and cities or to nonprofit organizations or park districts in those counties and cities, in compliance with subdivision (a) and the matching requirements of the

Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620)).

(2) No more than 10 percent of the amounts made available pursuant to paragraph (1) shall be allocated to fund grants pursuant to Chapter 2.5 (commencing with Section 990) of Part 1 of Division 2 of the Welfare and Institutions Code, at least 50 percent of which shall be granted to youth service organizations eligible for tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code that are chartered by a national youth service organization.

Article 5. Wildlife Program

5096.350. (a) Funds appropriated pursuant to subdivision (m) of Section 5096.310 shall be available for expenditure by the Wildlife Conservation Board for the acquisition, development, rehabilitation, restoration, and protection of real property benefiting fish and wildlife, for the acquisition, restoration, or protection of habitat that promotes recovery of threatened, endangered, or fully protected species, maintains the genetic integrity of wildlife populations, and serves as corridors linking otherwise separate habitat to prevent habitat fragmentation, and for grants and related state administrative costs pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code), for the following purposes:

(1) Ten million dollars (\$10,000,000) for the acquisition or restoration of wetland habitat, as follows:

(A) Five million dollars (\$5,000,000) for the acquisition, preservation, restoration, and establishment, or any combination thereof, of habitat for waterfowl or other wetlands-associated wildlife, as provided for in the Central Valley Habitat Joint Venture Component of the North American Waterfowl Management Plan and the Inland Wetlands Conservation Program, notwithstanding Section 711 of the Fish and Game Code. Preference shall be given to projects involving the acquisition of perpetual conservation easements; habitat development projects on lands which will be managed primarily as waterfowl habitat in perpetuity; waterfowl habitat development projects on agricultural lands; the reduction of fishery impacts resulting from supply diversions that have a direct benefit to wetlands and waterfowl habitat; or programs to establish permanent buffer areas, including, but not limited to, agricultural lands that are necessary to preserve the acreage and habitat values of existing wetlands.

(B) Five million dollars (\$5,000,000) for the acquisition, development, restoration, and protection of wetlands and adjacent lands, or any combination thereof, located outside the Sacramento-San Joaquin Valley.

(2) Ten million dollars (\$10,000,000) for the development, acquisition from a willing seller, or restoration of riparian habitat and watershed conservation programs.

(3) Forty-five million dollars (\$45,000,000), upon appropriation by the Legislature, for the restoration, or acquisition from a willing seller, of habitat for threatened and endangered species or for the purpose of promoting the recovery of those species. Five million dollars (\$5,000,000) of that amount shall be for the acquisition of property along the central coast containing coastal terrace prairie, federally listed spineflower, state listed San Francisco popcorn flower, and candidates for federal listing including ohlone tiger beetle and opler's longhorned moth. No funds may be expended pursuant to this paragraph for the acquisition of real property or other actions taken pursuant to Chapter 10 (commencing with Section 2800) of the Fish and Game Code.

(4) Thirteen million dollars (\$13,000,000) for the acquisition from a willing seller, or restoration of forest lands, including, but not limited to, ancient redwoods and oak woodlands. Not more than five million dollars (\$5,000,000) of this amount shall be expended on the federal Legacy Forest Program (16 U.S.C. Sec. 2103) to meet federal matching requirements and not less than five million dollars (\$5,000,000) of this amount shall be allocated for the preservation of oak woodlands. Not more than five million dollars (\$5,000,000) of this amount shall be expended on the federal Legacy Forest Program (16 U.S.C. Sec. 2103) to meet federal matching requirements and not less than five million dollars (\$5,000,000) of this amount shall be allocated for the preservation of oak woodlands.

(5) Eighty-two million five hundred thousand dollars (\$82,500,000), upon appropriation by the Legislature, to match funds contributed by federal or local agencies or nonprofit organizations for the acquisition, restoration, or protection of habitat or habitat corridors that promote the recovery of threatened, endangered, or fully protected species. Projects funded pursuant to this paragraph may include restoration projects authorized pursuant to Public Law 105-372, the Salton Sea Reclamation Act of 1998. The board shall require matching contributions of funds, real property, or other resources from other public agencies, private parties, or nonprofit organizations, at a level designed to obtain the maximum conservation benefits to wildlife and wildlife habitat. No funds may be expended pursuant to this paragraph

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for the acquisition of real property or other actions taken pursuant to Chapter 10 (commencing with Section 2800) of the Fish and Game Code.

(6) One hundred million dollars (\$100,000,000), upon appropriation by the Legislature, for the purpose of funding the acquisition of real property subject to a natural community conservation plan adopted pursuant to Chapter 10 (commencing with Section 2800) of the Fish and Game Code, if the acquisition of the real property is conducted in conjunction with a natural community conservation plan approved by the Department of Fish and Game prior to January 1, 1999, or if the acquisition is approved by statute.

(7) Five million dollars (\$5,000,000) for environmental restoration projects for the following purposes approved pursuant to the Salton Sea Restoration Project authorized by Public Law 105-372, the Salton Sea Reclamation Act of 1998, and identified in the Final Environmental Impact Statement of the Salton Sea Restoration Project:

- (A) Reduce and stabilize the overall salinity of the Salton Sea.
 - (B) Stabilize the surface elevation of the Salton Sea.
 - (C) Reclaim, in the long term, healthy fish and wildlife resources and their habitats.
 - (D) Enhance the potential for recreational uses of the Salton Sea.
- (b) Not more than 5 percent of the funds authorized for expenditure by this section may be used for public access and wildlife-oriented public use projects.

Article 6. Lake Tahoe Program

5096.351. (a) The Legislature has recognized the need to protect and restore the fragile environment at Lake Tahoe; and the Tahoe Regional Planning Agency has prepared an Environmental Improvement Program that outlines a capital outlay approach to help achieve environmental thresholds in the Lake Tahoe Basin, which allocates funding responsibilities over the first 10 years of the program in the amounts of approximately two hundred seventy-four million dollars (\$274,000,000) to the State of California, two hundred ninety-seven million dollars (\$297,000,000) to the federal government, eighty-two million dollars (\$82,000,000) to the State of Nevada, one hundred one million dollars (\$101,000,000) to local governments, and one hundred fifty-three million dollars (\$153,000,000) to the private sector.

(b) Funds allocated pursuant to subdivision (n) of Section 5096.310 shall be available for expenditure for the development, restoration, acquisition from a willing seller, and enhancement of real property, by the California Tahoe Conservancy within the Lake Tahoe region pursuant to Title 7.42 (commencing with Section 66905) of the Government Code for the following purposes:

(1) Protecting the natural environment through preservation of environmentally sensitive lands, soil erosion control, restoration or enhancement of watershed lands, and restoration or enhancement of streams and other natural areas.

(2) Providing public access and public recreation opportunities.

(3) Enhancing and restoring wildlife areas.

(c) The provision of these funds is to meet applicable state responsibilities pursuant to the Tahoe Regional Planning Agency's Environmental Improvement Program.

(d) The allocation of these funds has been made in the expectation that the federal government, the State of Nevada, local jurisdictions, and the private sector will fulfill their respective obligations pursuant to the Environmental Improvement Program. The secretary shall report annually to the Legislature on the progress of the development and implementation of the Environmental Improvement Program, and the provision of these funds may be restricted in the event that the parties are found to be making inadequate progress or are not making good faith efforts towards fulfilling their respective obligations.

Article 7. Coastal Protection Program

5096.352. Funds allocated pursuant to subdivision (o) of Section 5096.310 shall be available for expenditure by the State Coastal Conservancy pursuant to Division 21 (commencing with Section 31000) for the acquisition from a willing seller, preservation, restoration, and enhancement of real property or an interest in real property in coastal areas and watersheds within its jurisdiction and the development of public use facilities in those areas in accordance with the following schedule:

(a) Twenty-five million dollars (\$25,000,000) for projects funded pursuant to the San Francisco Bay Area Conservancy Program established pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21.

(b) (1) Twenty-five million dollars (\$25,000,000) shall be made available to the Santa Monica Bay Restoration Project to fund grants to public entities and nonprofit organizations to implement storm water and urban runoff pollution prevention programs, habitat restoration, and other priority actions specified in the Santa Monica Restoration Plan. The Santa Monica Bay Watershed Council shall determine project eligibility and establish grant priority.

(2) The Santa Monica Bay Watershed Council or the State Coastal Conservancy may require the grant recipient to provide a portion of matching funds for any funding received. The council or the state

conservancy may use the funds as matching funds for federal or other grant funding.

(c) Sixty-four million two hundred thousand dollars (\$64,200,000) of the funds available may be expended by the State Coastal Conservancy directly or as grants to government entities and nonprofit organizations for the purposes of Division 21 (commencing with Section 31000), and for the following and related purposes, including, but not limited to, the acquisition, enhancement, restoration, protection, and development of coastal resources, beaches, waterfronts, and public accessways in accordance with the following schedule:

(1) An amount not to exceed three million dollars (\$3,000,000) may be expended on regional approaches to reduce beach erosion. Up to thirteen million dollars (\$13,000,000) shall be made available for the restoration and protection of the Upper Newport Bay Ecological Reserve.

(2) At least fifteen million dollars (\$15,000,000) shall be expended in coastal areas north of the Gualala River.

(3) At least twenty-five million dollars (\$25,000,000) shall be expended within Santa Cruz, Monterey, San Luis Obispo, or Santa Barbara Counties. One million dollars (\$1,000,000) shall be allocated to the City of Monterey to fund public access and open space along the waterfront for the Window on the Bay.

(4) At least five million dollars (\$5,000,000) shall be expended on completion of the Coastal Trail.

(5) Two million dollars (\$2,000,000) shall be dedicated to projects for the Guadalupe River Trail and the San Francisco Bay Ridge Trail.

(d) Twenty-two million dollars (\$22,000,000) may be expended by the State Coastal Conservancy directly or as grants to government entities and nonprofit organizations consistent with Division 21 (commencing with Section 31000), and for administrative costs in connection therewith, for the acquisition, development, rehabilitation, restoration, enhancement, and protection of real property, or other actions that benefit fish and wildlife. At least ten million dollars (\$10,000,000) of those funds shall be expended in coastal areas north of the Gualala River. Eight hundred thousand dollars (\$800,000) shall be spent to restore the arroyo chub, partially armored stickleback, and southern steelhead fisheries to their native creeks of San Mateo Creek, and its tributary Devil Canyon Creek, and San Onofre Creek located in San Diego County.

(e) Twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, to the State Coastal Conservancy and the Department of Fish and Game for direct expenditure and for grants to public agencies and nonprofit organizations to protect, restore, acquire, and enhance habitat for salmon. These funds may be used to match federal funding available for those purposes.

(f) Twenty-five million dollars (\$25,000,000) of the funds shall be allocated to acquire, protect, and restore wetlands projects that are a minimum of 400 acres in size in any county with a population greater than 5,000,000.

(g) Twelve million five hundred thousand dollars (\$12,500,000) shall be allocated to acquire land needed to connect important coastal watershed and scenic areas in the Laguna Coast Wilderness Park.

Article 8. Mountain Resource Program

5096.353. Funds allocated pursuant to subdivision (p) of Section 5096.310 shall be available to the Santa Monica Mountains Conservancy for capital outlay and grants for the acquisition from a willing seller, enhancement, and restoration of natural lands, improvement of public recreation facilities, and for grants to local agencies and nonprofit organizations to increase access to parks and recreational opportunities for underserved urban communities, in accordance with the following schedule:

Thirty-five million dollars (\$35,000,000) to acquire, improve, or restore park, wildlife, or natural areas, including areas near or adjacent to units of the state park system wherever such units may be situated within a local jurisdiction within the Santa Monica Mountains Zone or Rim of the Valley Trail Corridor.

5096.354. Funds allocated pursuant to subdivision (q) of Section 5096.310 shall be available to the Coachella Valley Mountains Conservancy for expenditure for the acquisition, development, enhancement, and protection of land, and for administrative costs incurred in connection therewith, in accordance with Division 23.5 (commencing with Section 33500).

Article 9. San Joaquin River Program

5096.355. Funds allocated pursuant to subdivision (r) of Section 5096.310 shall be available to the San Joaquin River Conservancy for expenditure of the acquisition, development, enhancement, and protection of land, and for administrative costs incurred in connection therewith, in accordance with Division 22.5 (commencing with Section 32500).

Article 10. Agriculture Program

5096.356. (a) Funds allocated pursuant to subdivision (t) of Section 5096.310 shall be available to the Department of Conservation for grants, on a competitive basis, to state and local agencies and nonprofit organizations for farmland protection and administration of the

Agricultural Land Stewardship Program Act of 1995 (Division 10.2 (commencing with Section 10200)), or its successor program. This purpose shall include, but not be limited to, the placement of improvements and acquisition of agricultural conservation easements and other interests in land pursuant to the Agricultural Land Stewardship Program.

(b) At least 20 percent of the funds allocated pursuant to subdivision (t) of Section 5096.310 shall be available for projects that preserve agricultural lands and protect water quality in the counties that serve the San Pablo Bay.

Article 11. Fish and Game Program

5096.357. (a) Funds allocated pursuant to paragraph (1) of subdivision (v) of Section 5096.310 shall be available to the Department of Fish and Game for the development, enhancement, restoration, and preservation of land pursuant to Sections 1580 and 10503 of, and subdivision (b) of Section 1525 of, the Fish and Game Code. The provision of these funds shall be in accordance with an expenditure plan developed by the Department of Fish and Game and approved by the Department of Finance.

(b) Funds allocated pursuant to paragraph (2) of subdivision (v) of Section 5096.310 shall be made available to the Department of Fish and Game for the exclusive purpose of acquiring habitat preservation and enhancement agreements on private wetlands pursuant to the California Waterfowl Habitat Program—Phase II and administrative costs incurred in connection therewith. Expenditure of those funds shall be consistent with the purposes identified in Section 3702 of the Fish and Game Code.

Article 12. California Indian Tribe Participation

5096.358. To the extent funds authorized pursuant to this chapter are available for competitive grants to local government entities, federally recognized California Indian tribes may apply for those grants, the tribe's application shall be considered on its merits, and the tribes shall expend any funds received for the purpose authorized by this chapter for which the funds are made available.

Article 13. Fiscal Provisions

5096.360. Bonds in the total amount of two billion one hundred million dollars (\$2,100,000,000), not including the amount of any refunding bonds issued in accordance with Section 5096.370, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes set forth in Section 5096.310 and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of the principal of, and interest on, the bonds as the principal and interest become due and payable. Pursuant to this section, the Treasurer shall sell the bonds authorized by the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (the Villaraigosa-Keeley Act) Finance Committee created pursuant to subdivision (a) of Section 5096.362 at any different times that are necessary to service expenditures appropriated pursuant to this chapter.

5096.361. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

5096.362. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Finance Committee is hereby created. For purposes of this chapter, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Controller, the Director of Finance, and the Treasurer, or their designated representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

(b) For purposes of the State General Obligation Bond Law, the secretary is designated the "board."

5096.363. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter to carry out Section 5096.310 and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and

sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

5096.364. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds maturing each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which is necessary to collect that additional sum.

5096.365. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 5096.366, appropriated without regard to fiscal years.

5096.366. For purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized to be sold for the purpose of carrying out this chapter. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

5096.367. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid out of the bond proceeds. These costs shall be shared proportionally by each program funded through this bond act.

5096.367.5. Actual costs incurred in connection with administering programs authorized under the categories specified in Section 5096.310 shall be paid from the funds authorized by this act.

5096.368. The secretary may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, including other authorized forms of interim financing that include, but are not limited to, commercial paper, in accordance with Section 16312 of the Government Code, for purposes of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The secretary shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

5096.369. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.370. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state of the issuance of the bonds described in this chapter includes the approval of the issuance of any bonds to refund any bonds originally issued under this chapter or any previously issued refunding bonds.

5096.371. Notwithstanding any provision of this chapter or the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or to take any other action with respect to the investment and use of bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

5096.372. (a) The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

(b) Funds provided pursuant to this chapter, and any appropriation or transfer of those funds, shall not be deemed to be a transfer of funds for the purposes of Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.

Proposition 13: Text of Proposed Law

This law proposed by Assembly Bill 1584 of the 1999–2000 Regular Session (Chapter 725, Statutes of 1999) is submitted to the people in

accordance with the provisions of Article XVI of the California Constitution.

Text of Proposed Laws—Continued

This proposed law amends, adds, adds and repeals, and repeals and adds sections to the Water Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Division 26 (commencing with Section 79000) is added to the Water Code, to read:

DIVISION 26. SAFE DRINKING WATER, CLEAN WATER, WATERSHED PROTECTION, AND FLOOD PROTECTION ACT

CHAPTER 1. SHORT TITLE

79000. This division shall be known and may be cited as the Costa-Machado Water Act of 2000.

CHAPTER 2. DEFINITIONS

79005. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this division.

79006. "Bay-delta" means the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

79007. "Board" means the State Water Resources Control Board.

79008. "CALFED" refers to the consortium of state and federal agencies with management and regulatory responsibilities in the bay-delta that are developing a long-term solution to water management, environmental, and other problems in the bay-delta watershed.

79009. "Clean Water Act" means the federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.), and includes any amendments thereto.

79010. "Committee" means the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Finance Committee created by Section 79212.

79011. "Delta" means the Sacramento-San Joaquin Delta.

79012. "Department" means the Department of Water Resources.

79013. "Fund" means the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund created by Section 79019.

CHAPTER 3. SAFE DRINKING WATER, CLEAN WATER, WATERSHED PROTECTION, AND FLOOD PROTECTION BOND FUND

79019. The proceeds of bonds issued and sold pursuant to this division shall be deposited in the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund, which is hereby created.

CHAPTER 4. SAFE DRINKING WATER PROGRAM

Article 1. Definitions

79020. Unless the context otherwise requires, the following definitions govern the construction of this chapter.

(a) "Federal act" means the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.), and includes any amendments thereto.

(b) "State department" means the State Department of Health Services.

(c) "Supplier" means any person, partnership, corporation, association, public agency, or other entity, including any Indian tribe having a federally recognized governing body carrying out substantial governmental duties in and powers over any area, that owns or operates a public water system.

Article 2. Safe Drinking Water State Revolving Fund

79021. The sum of seventy million dollars (\$70,000,000) is hereby transferred from the fund to the Safe Drinking Water State Revolving Fund created by Section 116760.30 of the Health and Safety Code.

Article 3. Safe Drinking Water Program

79022. (a) The money transferred to the Safe Drinking Water State Revolving Fund pursuant to Section 79021, except as otherwise provided in Sections 79022.7 and 79025, shall be used by the state department for loans and grants to suppliers for the purposes of undertaking infrastructure improvements and related actions to meet safe drinking water standards, in accordance with the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760) of Part 12 of Division 104 of the Health and Safety Code).

(b) A supplier that is eligible for grants under Section 300j-12(i) of the federal act (42 U.S.C. Sec. 1452(i)) may concurrently make application for funds annually appropriated under the federal act and for bond proceeds made available under this chapter. The state department shall not place a public water system on the priority list for project funding or enter into a contract and award a grant or loan if a supplier has previously received a grant for public water system expenditure for the same project under Section 300j-12(i) of the federal act (42 U.S.C. Sec. 1452(i)) or if the supplier does not have a public water system permit pursuant to Section 116525 of the Health and Safety Code. The state department may place a public water system on the priority list for funding if a supplier has not otherwise received a letter of commitment to make a grant from the Administrator of the Environmental Protection Agency after 180 days from the date of the original submission of an application for a grant under Section 300j-12(i) of the federal act (42 U.S.C. Sec. 1452(i)).

(c) The Legislature finds and declares that Indian tribes shall be encouraged to cooperate with an adjacent public water system to

determine whether the delivery of water from the public water system to the Indian tribe would be feasible and cost-effective in comparison to the improvement of a public water system owned or operated by the Indian tribe. The determination of feasibility shall include an assessment of whether the tribal water supplier possesses adequate financial, managerial, and technical capability to ensure the delivery of pure, wholesome, potable water to consumers. The Legislature further finds and declares that public water suppliers shall be encouraged to investigate opportunities for Indian tribes to deliver water beyond trust land boundaries to consumers that may not be economically served by a public water system.

(d) The state department shall encourage loan or grant applicants, where feasible, to consider the consolidation of small public water systems and community water systems with other public water systems to reduce the cost of service and improve the level of protection for consumers.

(e) To the extent that loans under this chapter that are made to a public water system regulated by the Public Utilities Commission bear a lower interest rate than that supplier could receive from nongovernmental sources, the Public Utilities Commission shall ensure that the entire benefit of the interest rate differential shall benefit the rate payers of that system by including the lower interest rate when establishing the water system's weighted average cost of capital.

79022.5. Any repayment of loans made pursuant to this article, including interest payments, and all interest earnings on or accruing to, any money resulting from the implementation of this chapter in the Safe Drinking Water State Revolving Fund shall be deposited in that fund and shall be available for the purposes of this chapter.

79022.7. Notwithstanding Item No. 4260-115-0001 of Section 2.00 of the Budget Act of 1999 (Chapter 50, Statutes of 1999), no money transferred to the Safe Drinking Water State Revolving Fund pursuant to this article may be transferred to the General Fund.

79023. There is hereby created in the Safe Drinking Water State Revolving Fund the Technical Assistance Account.

79024. Of the funds transferred pursuant to Section 79021, the sum of two million dollars (\$2,000,000) is hereby transferred from the Safe Drinking Water State Revolving Fund to the Technical Assistance Account.

79025. (a) Notwithstanding Section 13340 of the Government Code, the money in the Technical Assistance Account is hereby continuously appropriated, without regard to fiscal years, to the state department, to provide technical assistance to public water systems in the state in accordance with Section 300j-12(g)(2) of the federal act (42 U.S.C. Sec. 1452(g)(2)). For the purposes of this section, "technical assistance" includes assistance to disadvantaged communities, including Indian tribes.

(b) In carrying out its responsibilities under subdivision (a), the state department may do any of the following:

(1) Assess the technical, managerial, and financial capability of a disadvantaged community.

(2) Assist an applicant in the preparation of an application for funding under Chapter 4.5 (commencing with Section 116760) of Part 12 of Division 104 of the Health and Safety Code or Section 300j-12(i) of the federal act (42 U.S.C. Sec. 1452(i)).

(3) Conduct workshops in locations in or near disadvantaged communities to provide information regarding grants or loans for the design and construction of projects for public water systems.

79026. Not more than 3 percent of the total amount deposited in the account may be used to pay costs incurred in connection with the administration of this chapter.

CHAPTER 5. FLOOD PROTECTION PROGRAM

Article 1. Flood Protection Account

79030. For the purposes of this chapter, "account" means the Flood Protection Account created by Section 79031.

79031. The Flood Protection Account is hereby created in the fund. The sum of two hundred ninety-two million dollars (\$292,000,000) is hereby transferred from the fund to the account.

Article 2. Floodplain Mapping Program

79033. (a) There is hereby created in the account the Floodplain Mapping Subaccount.

(b) The sum of two million five hundred thousand dollars (\$2,500,000) is hereby transferred from the account to the Floodplain Mapping Subaccount for the purposes of implementing this article.

79033.2. (a) There is hereby created in the account the Agriculture and Open Space Mapping Subaccount.

(b) The sum of two million five hundred thousand dollars (\$2,500,000) is hereby transferred from the account to the Agriculture and Open Space Mapping Subaccount.

79033.4. The money in the Floodplain Mapping Subaccount, upon appropriation by the Legislature to the department, may be used by the department for the purpose of assisting local land-use planning, and to avoid or reduce future flood risks and damages. The use of the funds in that subaccount by the department shall include, but is not limited to, all of the following:

- (a) Mapping newly identified floodplains.
- (b) Mapping rural areas with potential for urbanization.
- (c) Mapping flood hazard areas with undefined 100-year flood elevations.
- (d) Updating outdated floodplain maps.
- (e) Accelerating mapping of riverine floodplains, alluvial fans, and coastal flood hazard areas.

(f) Collecting topographic and hydrographic survey data.

79033.6. (a) The money in the Agriculture and Open Space Mapping Subaccount, upon appropriation by the Legislature to the Department of Conservation, may be used by the Department of Conservation for the purposes of assisting local land-use planning by making available Important Farmland Series maps and Interim Farmland maps, as those terms are defined in Section 65570 of the Government Code. The information provided by the Department of Conservation is intended for local government use in conjunction with floodplain and flood hazard maps developed by the department to protect agricultural land resources coincident with avoidance or reduction of future flood risk and damage to residential or commercial land uses. The use of the funds in that subaccount by the Department of Conservation shall include, but is not limited to, all of the following:

- (1) Accelerating production of Important Farmland Series maps and Interim Farmland maps.
 - (2) Increasing the coverage and availability of soil surveys conducted by the United States Natural Resource Conservation Service.
 - (3) Increasing topographic, soil, and agricultural crop data collection and enhancing data gathering capability.
 - (4) Developing integrated mapping that incorporates Important Farmland Series mapping and Interim Farmland mapping data with other relevant information, including, but not limited to, floodplain or flood hazard information, planning designation, and other land and natural resource data.
- (b) For the purposes of this article, "maps" and "mapping" may include digital map files.

Article 2.5. Flood Protection Corridor Program

79035. (a) There is hereby created in the account the Flood Protection Corridor Subaccount.

(b) For the purposes of this article, "subaccount" means the Flood Protection Corridor Subaccount created by subdivision (a).

79036. The sum of seventy million dollars (\$70,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79037. (a) The money in the subaccount, upon appropriation by the Legislature to the department, may be used by the department for flood control projects through direct expenditure for the acquisition, restoration, enhancement, and protection of real property for the purposes of flood control protection, agricultural land preservation, and wildlife habitat protection, and for grants to local public agencies or nonprofit organizations for these purposes, and for related administrative costs.

(b) The money in the subaccount, upon appropriation by the Legislature, shall be used for the protection, creation, and enhancement of flood protection corridors through all of the following actions:

- (1) Acquiring easements and other interests in real property from willing sellers to protect or enhance flood protection corridors and floodplains while preserving or enhancing the agricultural use of the real property.
- (2) Setting back existing flood control levees and, in conjunction with undertaking those setbacks, strengthening or modifying existing levees.
- (3) Acquiring interests in real property from willing sellers located in a floodplain that cannot reasonably be made safe from future flooding.
- (4) Acquiring easements and other interests in real property from willing sellers to protect or enhance flood protection corridors while preserving or enhancing the wildlife value of the real property.

79038. (a) For the purposes of this article, the department shall give highest priority to projects that include either of the following:

- (1) Projects that have been assigned high priority for completion by the department for flood protection purposes and by the Department of Conservation for purposes of preserving agricultural land in accordance with the Agricultural Land Stewardship Program Act of 1995 (Division 10.2 (commencing with Section 10200) of the Public Resources Code).
- (2) Projects that have been assigned high priority for completion by the department for flood protection purposes and by the Department of Fish and Game for wildlife habitat protection or restoration purposes.

(b) For restoration, enhancement, and protection projects, the services of the California Conservation Corps or community conservation corps shall be used whenever feasible.

79039. (a) In order to ensure that property acquired under paragraph (1) of subdivision (b) of Section 79037 remains on the county tax rolls and in agricultural use to the greatest extent practicable, the acquisition of easements shall be the preferred method of acquiring property interests under that paragraph unless the acquisition of a fee interest is required for management purposes or the landowner will only consider the sale of a fee interest in the land. No acquisition of a fee

interest shall be undertaken under paragraph (1) of subdivision (b) of Section 79037 until all practical alternatives have been considered by the department.

(b) Any proceeds received from the disposal of a fee interest acquired under this article shall be deposited into the subaccount.

79040. Any acquisition pursuant to this article shall be from a willing seller.

79041. Prior to acquiring an easement or other interest in land pursuant to this article, the project shall include a plan to minimize the impact on adjacent landowners. The plan shall include, but not be limited to, an evaluation of the impact on floodwaters, the structural integrity of affected levees, diversion facilities, customary agricultural husbandry practices, and timber extraction operations, and an evaluation with regard to the maintenance required of any facilities that are proposed to be constructed or altered.

79042. Prior to acquiring an easement or other interest in land pursuant to this article, a public hearing in the local community shall be held. Notification shall be given to the county board of supervisors of the affected county, adjacent landowners, affected water districts, local municipalities, and other interested parties, as determined by the department.

79043. Money in the subaccount may be used, upon appropriation by the Legislature, to repair breaches in the flood control system developed pursuant to this article or caused by the development of an easement program financed through this section and to repair water diversion facilities or flood control facilities damaged by a project developed pursuant to this section or financed pursuant to this section.

79044. (a) (1) In expending grant money pursuant to this article to acquire an interest in any particular parcel of land, a local public agency or nonprofit organization may use the money to establish a trust fund in the amount of not more than 20 percent of the amount of money paid for the acquisition. Interest from the trust fund shall be used only to maintain the lands that are acquired pursuant to this chapter.

(2) A local public agency or nonprofit organization that acquires land with money from the subaccount and transfers the land to another public agency or nonprofit organization shall also transfer the ownership of the trust fund that was established to maintain that land.

(b) If the local public agency or nonprofit organization does not establish a trust fund pursuant to subdivision (a), it shall certify to the department that it can maintain the land to be acquired from funds otherwise available to the agency or organization.

(c) This section does not apply to state agencies.

79044.5. (a) It is the intent of the Legislature to address the problem of soaring federal flood insurance rates by assisting local governments to meet technical requirements for participation in the National Flood Insurance Program and the National Flood Insurance Program's Community Rating System.

(b) Notwithstanding any other provision of this article, of the funds transferred pursuant to Section 79036, the sum of one million dollars (\$1,000,000) is hereby continuously appropriated, without regard to fiscal years, to the department, as follows:

(1) Five hundred thousand dollars (\$500,000) to educate and provide technical assistance to cities and counties regarding the National Flood Insurance Program and the enrollment process.

(2) Five hundred thousand dollars (\$500,000) to educate and provide technical assistance to cities and counties currently enrolled in the National Flood Insurance Program with regard to the National Flood Insurance Program's Community Rating System and the implementation of activities creditable under that system.

79044.6. Notwithstanding any other provision of this article, the sum of five million dollars (\$5,000,000), upon appropriation by the Legislature to the department, shall be allocated by the department to the City of Santee for the purposes of flood protection for streets and highways.

79044.7. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay costs incurred in connection with the administration of this article.

79044.9. The department may adopt regulations to carry out this article.

Article 3. Delta Levee Rehabilitation Program

79045. (a) There is hereby created in the account the Delta Levee Rehabilitation Subaccount.

(b) For the purposes of this article, "subaccount" means the Delta Levee Rehabilitation Subaccount created by subdivision (a).

79046. The sum of thirty million dollars (\$30,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article pursuant to Section 12986.

79047. Notwithstanding Section 13340 of the Government Code, the money in the subaccount is hereby continuously appropriated, without regard to fiscal years, to the department, as follows:

(a) Fifteen million dollars (\$15,000,000) for local assistance under the delta levee maintenance subventions program under Part 9 (commencing with Section 12980) of Division 6, and for the administration of that assistance.

Text of Proposed Laws—Continued

(b) Fifteen million dollars (\$15,000,000) for special flood protection projects under Chapter 2 (commencing with Section 12310) of Part 4.8 of Division 6, subsidence studies and monitoring, and for the administration of this subdivision. Allocation of these funds shall be for flood protection projects on Bethel, Bradford, Holland, Hotchkiss, Jersey, Sherman, Twitchell, and Webb Islands, and at other locations in the delta.

(c) Any funds that are made available under subdivision (a) may be used to reimburse local agencies for the state's share of costs for eligible projects completed on or after July 1, 1998.

79048. The expenditure of funds under this article is subject to Chapter 1.5 (commencing with Section 12306) of Part 4.8 of Division 6.

79049. Of the funds appropriated pursuant to subdivision (a) or (b) of Section 79047, not more than 5 percent may be expended by the department to repair levee road pavement if the damage is attributable to flood control maintenance.

79050. No expenditure of funds may be made under this article unless the Department of Fish and Game makes a written determination as part of its review and approval of a plan or project pursuant to Section 12314 or 12987. The Department of Fish and Game shall make its determination in a reasonable and timely manner following the submission of the project or plan to that department. For the purposes of this article, an expenditure may include more than one levee project or plan.

79051. For the purposes of this article, a levee project includes levee improvements and related habitat improvements undertaken in the delta at a location other than the location of that levee improvement.

79052. Following the date on which a program for the bay-delta is adopted by CALFED, the remaining funds in the subaccount shall be used for levee rehabilitation improvement projects that, to the greatest extent possible, are consistent with the program adopted by CALFED.

Article 4. Flood Control Subventions Program

79055. (a) There is hereby created in the account the Flood Control Subventions Subaccount.

(b) For the purposes of this article, "subaccount" means the Flood Control Subventions Subaccount created by subdivision (a).

79056. The sum of forty-five million dollars (\$45,000,000) is hereby transferred from the fund to the subaccount.

79057. (a) Notwithstanding Section 13340 of the Government Code, or any other provision of law, the money in the subaccount is hereby continuously appropriated, without regard to fiscal year, to the department to pay for the state's share of the nonfederal costs of flood control and flood prevention projects adopted and authorized as of January 1, 1999, under The State Water Resources Law of 1945 (Chapter 1 (commencing with Section 12570) and Chapter 2 (commencing with Section 12639) of Part 6 of Division 6), The Flood Control Law of 1946 (Chapter 3 (commencing with Section 12800) of Part 6 of Division 6), and The California Watershed Protection and Flood Prevention Law (Chapter 4 (commencing with Section 12850) of Part 6 of Division 6), including the credits and loans to local agencies pursuant to Sections 12585.3 and 12585.4, subdivision (d) of Section 12585.5, and Sections 12866.3 and 12866.4, and to implement Chapter 3.5 (commencing with Section 12840) of Part 6 of Division 6.

(b) The money in the subaccount shall be allocated only to projects in the Counties of Contra Costa, Fresno, Kern, Los Angeles, Marin, Napa, Orange, Riverside, San Bernardino, San Diego, Santa Clara, Sonoma, and Ventura.

(c) It is the intent of the Legislature that the state's share of the nonfederal costs of projects for flood control and flood prevention adopted and authorized after January 1, 2001, shall not exceed that portion of the nonfederal costs authorized pursuant to Chapter 1 (commencing with Section 12570) of Part 6 or any amendments thereto.

Article 5. Urban Stream Restoration Program

79060. (a) There is hereby created in the account the Urban Stream Restoration Subaccount.

(b) For the purposes of this article, "subaccount" means the Urban Stream Restoration Subaccount created by subdivision (a).

79061. The sum of twenty-five million dollars (\$25,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79062. The money in the subaccount, upon appropriation by the Legislature to the department, may be used by the department for both of the following:

(a) Grants to local agencies and nonprofit organizations for effective, low-cost flood control projects pursuant to Section 7048.

(b) Grants to local community conservation corps and other nonprofit corporations for local stream clearance, flood mitigation, and cleanup activities.

79062.5. Notwithstanding any other provision of law, regulations set forth in Chapter 2.4 (commencing with Section 451.1) of Division 2 of Title 23 of the California Code of Regulations that are in effect on March 8, 2000, may be used to carry out this article.

Article 6. Capital Area Flood Protection Program

79065. The Legislature hereby finds and declares all of the following:

(a) Since Sacramento, the state capital, was founded over 150 years ago, it has suffered from flood disasters because of inadequate flood protection. Each year, the State Capitol and more than 1,300 other government-owned buildings and infrastructure of the capital region are at risk because of their location in the worst protected urban area in the country.

(b) The State of California's investment of money and other resources in the state's seat of government is important to preserve and protect.

(c) It is in the best interest of this state to invest in a cost-shared program to protect life and property in the state capital from flooding, thus resulting in opportunities for sustainable economic development and continued protection of the state's natural resources.

(d) The Congress and the President of the United States have recognized the national importance of increasing the level of the state capital's flood protection by authorizing projects in the Water Resources Development Act of 1999.

79065.2. (a) There is hereby created in the account the State Capital Protection Subaccount.

(b) For purposes of this article, "subaccount" means the State Capital Protection Subaccount created by subdivision (a).

79065.4. The sum of twenty million dollars (\$20,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.

79065.6. The money in the subaccount, upon appropriation by the Legislature to the Sacramento Area Flood Control Agency, may be used by the Sacramento Area Flood Control Agency to pay the state's share of the costs of flood management projects authorized by the United States to improve the level of flood protection in the state capital region.

79065.8. No money deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

Article 7. San Lorenzo River Flood Control Program

79067. (a) There is hereby created in the account the San Lorenzo River Flood Control Subaccount.

(b) For purposes of this article, "subaccount" means the San Lorenzo River Flood Control Subaccount created by subdivision (a).

79067.2. The sum of two million dollars (\$2,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.

79067.4. The money in the subaccount, upon appropriation by the Legislature to the department, shall be allocated by the department to the City of Santa Cruz to pay for the state's share of the costs of flood management projects authorized by the United States to improve the level of flood protection in the Santa Cruz region.

Article 8. Yuba Feather Flood Protection Program

79068. Unless the context otherwise requires, the definitions set forth in this section govern the construction of this article.

(a) "Nonstructural improvements" are projects that are intended to reduce or eliminate susceptibility to flooding by preserving or increasing the flood-carrying capacity of floodways, and include such measures as levees, setback levees, floodproofing structures, and zoning, designating, or acquiring flood prone areas.

(b) "Structural improvements" are projects that are intended to modify flood patterns and rely primarily on constructed components, and include such measures as levees, floodwalls, and improved channels.

(c) "Subaccount" means the Yuba Feather Flood Protection Subaccount created by Section 79068.2.

79068.2. There is hereby created in the account the Yuba Feather Flood Protection Subaccount.

79068.4. The sum of ninety million dollars (\$90,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79068.6. Seventy million dollars (\$70,000,000) in the subaccount, upon appropriation by the Legislature to the department or Reclamation Board, shall be used by the department or Reclamation Board to fund one or more of the following flood protection projects to be implemented by a local public entity that has legal authority and jurisdiction to implement a flood control program along the Yuba and Feather Rivers and their tributaries:

(a) The construction or improvements of weirs, bypasses, and channels.

(b) The construction of levees or improving publicly maintained levees, including, but not limited to, setback levees, training walls, floodwalls, and streambank protection projects, which provide flood protection or flood damage reduction.

(c) The modification or reoperation of existing dams and waterworks, including spillways or other capital outlay facilities, for the purpose of increased efficiency in managing flood waters.

(d) The installation of tailwater suppression systems, detention basins, relief wells, test wells, flood warning systems, and telemetry devices.

(e) The relocation or floodproofing of structures within floodplains, which meet or exceed a community's floodplain regulations, pursuant to the National Flood Insurance Program.

(f) Implementation of watershed projects, which provide flood protection or flood damage reduction.

(g) The construction of, or improvement to, a state or interstate highway, county road, or a levee road, that is designated a flood emergency evacuation route, or that provides access to a levee for emergency vehicles, flood fights, or levee repair and maintenance, or a project that protects such a road or highway.

(h) The purchase of lands, easements, and rights-of-way.

(i) Capital costs of environmental mitigation.

79068.8. No expenditures of state funds may be made under this article until the department or the Reclamation Board determines that all of the following requirements have been met:

(a) There is a final environmental document prepared pursuant to the California Environmental Quality Act (commencing with Section 21000 of the Public Resources Code).

(b) The project is in compliance with the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as demonstrated by documentation such as comments received from the Department of Fish and Game, a permit obtained from the Department of Fish and Game or other appropriate evidence.

(c) The local project proponent agrees to pay at least that portion of the nonfederal capital costs of the project required by Section 12585.5.

(d) The local project proponent agrees to operate and maintain the completed project.

(e) The local project proponent enters into an agreement indemnifying and holding the state, its agencies, officers and employees free and harmless from any and all liability arising out of the design, construction, operation and maintenance of the project.

(f) The project is recommended for implementation by the department or the Reclamation Board.

79068.10. All of the following factors shall be considered by the department and the Reclamation Board for prioritizing projects:

(a) Potential loss of life from flooding.

(b) Increased flood protection or flood damage reduction for areas that have the greatest flood risk or have experienced repetitive flood loss.

(c) The local community is a small community with financial hardship.

(d) Projects that provide multiple benefits.

(e) Projects that are implemented in accordance with the Sacramento/San Joaquin River Basins Comprehensive Study.

(f) Projects that are implemented pursuant to the completion of feasibility studies conducted by the United States Army Corps of Engineers or local agencies.

(g) Projects along the Yuba and Feather Rivers and their tributaries.

(h) Projects that address regional flood problems.

(i) Projects along the Colusa Drain and its tributaries.

(j) Minimizing impacts to the environment.

79068.12. Of the fund appropriated pursuant to Section 79068.6, two million six hundred thousand dollars (\$2,600,000) in the subaccount shall be used for the local share of levee repairs and enhancements in Sutter County.

79068.14. (a) Twenty million dollars (\$20,000,000) in the subaccount, upon appropriation to the Department of Fish and Game, may be used by that department, if it determines that any flood control project undertaken pursuant to this article would result in a reduction of, or damage to, fish, wildlife, or riparian habitat, to protect, improve, restore, create, or enhance fish, wildlife, and riparian habitat of a comparable type to that which was reduced or damaged.

(b) Any land acquired pursuant to this section shall be acquired from willing sellers.

79068.16. If all of the funds appropriated pursuant to Section 79068.6 are encumbered, and any funds described in Section 79068.14 are not needed for the purposes of that section, as stated in writing by that department to the Legislature, the Legislature may appropriate the funds not needed for the purposes of Section 79068.14 for the purposes of Article 4 (commencing with Section 79055).

79068.18. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this chapter.

79068.20. The department and board may adopt regulations to carry out this article.

Article 9. Arroyo Pasajero Watershed Program

79069. The Legislature hereby finds and declares all of the following:

(a) The Arroyo Pasajero Watershed incurred unprecedented flooding in 1995 that resulted in a loss of lives due to a bridge failure on Interstate Highway Route 5 (I-5).

(b) Flooding in the watershed caused damage to important federal, state, and local public facilities, including the Lemoore Naval Air

Station, Interstate Highway Route 5 (I-5), the California Aqueduct, and critical local roads and highways, as well as private property.

(c) It is of statewide importance to undertake projects to eliminate future flooding in the watershed in order to protect life and property and to protect the drinking water supply of southern California.

79069.2. Unless the context otherwise requires, the definitions set forth in this section govern construction of this article.

(a) "Subaccount" means the Arroyo Pasajero Watershed Subaccount created pursuant to Section 79069.4.

(b) "Watershed" means the Arroyo Pasajero Watershed.

79069.4. There is hereby created in the account the Arroyo Pasajero Watershed Subaccount. The sum of five million dollars (\$5,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.

79069.6. The money in the subaccount, upon appropriation by the Legislature to the department, shall be used by the department for projects that improve flood protection for State Highway Route 269 in the area north of the City of Huron or improve flood control for the California Aqueduct in the area of the Arroyo Pasajero Crossing.

79069.8. For the purposes of carrying out projects pursuant to this article, the department is encouraged to utilize the services of the California Conservation Corps or community conservation corps or both.

79069.10. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay costs incurred in connection with the administration of this article.

79069.12. The department may adopt regulations to carry out this article.

CHAPTER 6. WATERSHED PROTECTION PROGRAM

Article 1. Watershed Protection Account

79070. For the purposes of this chapter, "account" means the Watershed Protection Account created by Section 79071.

79071. The Watershed Protection Account is hereby created in the fund. The sum of four hundred sixty-eight million dollars (\$468,000,000) is hereby transferred from the fund to the account.

Article 2. Watershed Protection Program

79075. (a) There is hereby created in the account the Watershed Protection Subaccount.

(b) For the purposes of this article, "subaccount" means the Watershed Protection Subaccount created by subdivision (a).

79076. The sum of ninety million dollars (\$90,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79077. The purposes of this article are to provide funds to assist in implementing watershed plans to reduce flooding, control erosion, improve water quality, and improve aquatic and terrestrial species habitats, to restore natural systems of groundwater recharge, native vegetation, water flows, and riparian zones, to restore the beneficial uses of waters of the state in watersheds, and to provide matching funds for federal grant programs.

79078. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "Local agency" means any city, county, city and county, district, or other political subdivision of the state.

(b) "Local watershed group" means a group consisting of owners and managers of land within the watershed of interest, local, state, and federal government representatives, and interested persons, other than landowners, who reside or work within the watershed of interest, and may include other persons, organizations, nonprofit corporations, and businesses.

(c) "Local watershed management plan" means a document prepared by a local watershed group that sets forth a strategy to achieve an ecologically stable watershed, and that does all of the following:

(1) Defines the geographical boundaries of the watershed.

(2) Describes the natural resource conditions within the watershed.

(3) Describes measurable characteristics for water quality improvements.

(4) Describes methods for achieving and sustaining water quality improvements.

(5) Identifies any person, organization, or public agency that is responsible for implementing the methods described in paragraph (4).

(6) Provides milestones for implementing the methods described in paragraph (4).

(7) Describes a monitoring program designed to measure the effectiveness of the methods described in paragraph (4).

(d) "Municipality" has the same meaning as defined in the Clean Water Act and also includes the state or any agency, department, or political subdivision thereof, and applicants eligible for technical assistance under Section 319 (33 U.S.C. Sec. 1329) or grants under Section 320 of the Clean Water Act (33 U.S.C. Sec. 1330).

(e) "Nonprofit organization" means any California corporation organized under Section 501(c)(3) or 501(c)(5) of the Internal Revenue Code.

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(f) "Regional board" means a regional water quality control board.

79079. The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board for grants to municipalities, local agencies, or nonprofit organizations in accordance with this article. The grants shall be used to develop local watershed management plans or to implement projects that are consistent with local watershed management and regional water quality control plans. The board shall ensure that activities funded by these grants will be coordinated with activities undertaken by state and federal agencies, and with other appropriate watershed efforts.

79079.5. The funds used for the purposes described in Section 79079 shall be allocated as follows:

(a) Sixty percent to projects in the Counties of Los Angeles, Orange, Riverside, San Diego, San Bernardino, and Ventura.

(b) Forty percent to projects in counties not described in subdivision (a).

79080. (a) A municipality, local agency, or nonprofit organization may only receive a grant under this article if the board determines that both of the following apply:

(1) The municipality, local agency, or nonprofit organization has adequate legal authority to manage the grant money.

(2) The municipality, local agency, or nonprofit organization is a member of a local watershed group.

(b) Grants may be awarded for projects that implement methods for attaining watershed improvements or for a monitoring program described in a local watershed management plan in an amount not to exceed five million dollars (\$5,000,000) per project. At least 85 percent of the total amount in the subaccount shall be used for capital outlay projects described in this subdivision.

(c) Eligible projects under this article may do any of the following:

(1) Reduce chronic flooding problems or control water velocity and volume using vegetation management or other nonstructural methods.

(2) Protect and enhance greenbelts and riparian and wetlands habitats.

(3) Restore or improve habitat for aquatic or terrestrial species.

(4) Monitor the water quality conditions and assess the environmental health of the watershed.

(5) Use geographic information systems to display and manage the environmental data describing the watershed.

(6) Prevent watershed soil erosion and sedimentation of surface waters.

(7) Support beneficial groundwater recharge capabilities.

(8) Otherwise reduce the discharge of pollutants to state waters from storm water or nonpoint sources.

(d) (1) Grants may be awarded to municipalities, local agencies, or nonprofit organizations for the development of local watershed management plans in amounts not to exceed two hundred thousand dollars (\$200,000) per local watershed management plan.

(2) Funding under this subdivision may be used to develop components of local watershed management plans that contribute to the development or implementation of species recovery plans.

(e) Grants may be awarded to meet requirements for nonfederal matching funds set forth in Section 205(j) of the Clean Water Act (33 U.S.C. Sec. 1285(j)) or Section 319(h) of the Clean Water Act (33 U.S.C. Sec. 1329(h)).

(f) Projects funded under this article shall be designed to withstand substantial flooding and shall include a minimum 10-year maintenance program and shall demonstrate the potential to provide watershed benefits for 20 years.

(g) A proponent of a project funded from the subaccount, except a grant recipient pursuant to subdivision (d), shall be required to submit to the board a monitoring and reporting plan that does all of the following:

(1) Describes the baseline water quality of the waterbody impacted.

(2) Describes the manner in which the proposed watershed restoration activities are implemented.

(3) Determines the effectiveness of the watershed restoration activities in preventing or reducing pollution.

(4) Determines, to the extent feasible, the changes in the pattern of flow in affected streams, including reduction of flood flows and increases in spring, summer, and fall flows that result from the implementation of the project.

(5) Determines, to the extent feasible, the economic benefits resulting from changes determined pursuant to paragraph (3) or (4).

(h) (1) A grant applicant shall inform the board with regard to necessary public agency approvals, entitlements, and permits that may be necessary to implement the project. The municipality, local agency, or nonprofit organization shall certify to the board, at the appropriate time, that those approvals, entitlements, and permits have been granted.

(2) A grant applicant shall notify, in writing, adjoining landowners of its request for funding under this article and the scope of the project for which the funding is requested. If this paragraph requires notification of more than 200 landowners, notification may be made by letter to the owners of record of the 200 largest parcels and by publication for at least 20 days in a local newspaper of general circulation. Upon completion of

the notification required under this paragraph, the municipality, local agency, or nonprofit organization shall inform the board that the notification has occurred.

(i) The board may adopt regulations to carry out this article.

(j) In awarding grants under this article, the board shall consider the extent to which projects do the following:

(1) Consider the entire ecosystem to be protected or restored.

(2) Include definable targets and desired future conditions.

(3) Support local community institutional capacity to restore the watershed.

(4) Include community decisionmaking by affected stakeholders in project design and fund allocation.

(5) Help protect intact or nearly intact ecosystems and watersheds.

(6) Consider the economic benefits of the restoration project or program.

(7) Address the root causes of degradation, rather than the symptoms.

(8) Maximize the use of other restoration funds.

(9) Include an educational component, if appropriate.

(10) Improve the quality of drinking water and support other beneficial uses of waters of the state, including coastal waters.

79081. A grant recipient shall obtain written permission from the landowners of the parcel of land upon which the project is proposed to be carried out. The written permission shall expressly consent to the actions described in the grant application.

79082. Not more than 25 percent of a grant may be awarded in advance of actual expenditures.

79083. (a) A grant recipient shall submit to the board a report upon the completion of the project or activity funded under this article. The report shall summarize the completed project and identify additional steps necessary to achieve the purposes of the local watershed management plan. The board shall make the report available to interested federal, state, and local agencies and other interested parties.

(b) The board shall prepare and submit to the Governor a biennial report regarding the implementation of this article. The biennial report shall include, at a minimum, a discussion relating to the extent to which the purposes described in Section 79077 are being furthered by the implementation of this article.

79084. (a) Of the funds transferred pursuant to Section 79076, at least thirty-five million dollars (\$35,000,000) shall be for grants to small communities.

(b) For the purposes of this article, "small community" means a municipality with a population of 10,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the population of the segment is 10,000 persons or less, with a financial hardship as determined by the board.

(c) If the board determines that any of the funds made available for grants under this section will not be encumbered for that purpose on or before January 1, 2007, the board may use these funds for other purposes of this article.

79085. The board shall give added consideration to projects that utilize the services of the California Conservation Corps, community conservation corps, or other local nonprofit entities employing underprivileged youths.

79085.5. Notwithstanding any other provision of this article, the following amounts from the subaccount, upon appropriation by the Legislature, shall be allocated as follows:

(a) The sum of two million dollars (\$2,000,000) to the board for allocation to the Pajaro River Watershed Flood Prevention Authority for a hydrologic study with regard to the Pajaro River Watershed.

(b) The sum of one million dollars (\$1,000,000) to the board for allocation to the County of Sonoma to develop and implement community-based watershed management activities that will protect, restore, and enhance the environmental and economic value of the Russian River Watershed in the County of Sonoma.

(c) The sum of five million dollars (\$5,000,000) to the board for the Clover Creek Flood Protection and Environmental Enhancement Project to provide for the acquisition, restoration, and conservation of low-flow stream channel, open water, seasonal wetlands, riparian habitat, oak woodland regeneration, and grassland meadow preservation.

(d) The sum of two million dollars (\$2,000,000) to the board to rehabilitate and improve the Clear Lake Watershed by funding one or more of the following projects or activities: Clear Lake Basin 2000 Project, aeration, wetlands restoration, fishery enhancement, and wastewater treatment, or for grants awarded by the board to local public agencies for any of these purposes. The first priority for funding under this subdivision is for a grant award to fund eligible expenses of the Basin 2000 Project.

(e) To the maximum extent feasible, the watershed restoration and flood control projects described in this subdivision shall do one or more of the following:

(1) Preserve agricultural land.

(2) Protect and enhance wildlife habitat.

(3) Protect and enhance recreational and environmental education resources.

(4) Protect lake water quality.

79086. Notwithstanding any other provision of law, the board shall terminate any grant where it is determined that the project is not providing the proposed watershed benefits.

79087. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay costs incurred in connection with the administration of this article.

79088. Where recovery plans for coho salmon, steelhead trout, or other threatened or endangered aquatic species exist, projects funded under this article shall be consistent with those plans, and to the extent feasible, shall seek to implement actions specified in those plans.

Article 3. Water and Watershed Education Program

79090. (a) There is hereby created in the account the Water and Watershed Education Subaccount.

(b) For the purposes of this article, "subaccount" means the Water and Watershed Education Subaccount created by subdivision (a).

79091. The sum of eight million dollars (\$8,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79092. Three million dollars (\$3,000,000) in the subaccount, upon appropriation by the Legislature to the department, may be used by the department for allocation to California State University, Fresno for the purposes of establishing and furthering the purposes of the San Joaquin Valley Water Institute at that campus.

79093. Two million dollars (\$2,000,000) in the subaccount, upon appropriation by the Legislature to the department, shall be used by the department for the development of a Delta Science Center, including, but not limited to, all of the following components:

- (a) Public educational opportunities.
- (b) Wildlife and habitat enhancement.
- (c) Preservation of agricultural lands.
- (d) Enhanced levee protection and rehabilitation.
- (e) Water quality improvements.
- (f) Nonstructural flood protection.

79094. Three million dollars (\$3,000,000) in the subaccount, upon appropriation by the Legislature to the University of California, may be used for the purpose of site acquisition, construction, and equipping of a Watershed Science Laboratory, for long-term monitoring and research with regard to the hydrology, geomorphology, water quality and aquatic and riparian ecology of the north delta and its tributary watersheds.

Article 4. River Protection Program

79100. (a) There is hereby created in the account the River Protection Subaccount.

(b) For the purposes of this article, "subaccount" means the River Protection Subaccount created by subdivision (a).

79101. The sum of ninety-five million dollars (\$95,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79102. The money in the subaccount, upon appropriation by the Legislature, may be used to meet the requirements of Article 6 (commencing with Section 78682) of Chapter 6 of Division 24.

79103. At least 60 percent of the funds transferred pursuant to Section 79101 shall be used for projects that are located in, or in close proximity to, major metropolitan areas.

79103.2. Notwithstanding any other provision of this article, of the funds transferred pursuant to Section 79101, ten million dollars (\$10,000,000) shall, upon appropriation to the department, be allocated to the San Joaquin River Parkway Conservancy for the purposes of the San Joaquin River Parkway.

79103.4. Notwithstanding any other provision of this article, of the funds transferred pursuant to Section 79101, two million five hundred thousand dollars (\$2,500,000) in the subaccount shall be used by the department, upon appropriation, for the purpose of the Kern River Parkway Project between the mouth of Kern Canyon and Interstate Highway Route 5.

79104. Not more than 3 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

Article 5. Southern California Integrated Watershed Program

79104.20. The Legislature hereby finds and declares all of the following:

(a) The Santa Ana Watershed is experiencing increased water demands due to significant population growth that has caused undue infrastructure dependence and strain on imported water supplies.

(b) Regional programs have been developed to address the problems facing the watershed. These programs have four main elements, as follows:

- (1) Storage of more than one million acre-feet of water from wet years in groundwater storage basins.
- (2) Conservation, including water use efficiency and reclamation, that results in the substantial development of new usable supplies.
- (3) Desalting and treatment of brackish water to allow poor quality water to be reclaimed and used.

(4) Enhancement of native habitat along the river and its tributaries.

(c) The water supply programs proposed by the Santa Ana Watershed Project Authority will develop significant new water supply and storage capabilities, thereby reducing the imported water needs of urban southern California, especially during dry years.

79104.22. (a) There is hereby created in the account the Santa Ana River Watershed Subaccount.

(b) For purposes of this article, "subaccount" means the Santa Ana River Watershed Subaccount created by subdivision (a).

79104.24. The sum of two hundred thirty-five million dollars (\$235,000,000) is hereby transferred from the account to the subaccount.

79104.26. The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board for allocation to the Santa Ana Watershed Project Authority for all of the following projects for the purposes of rehabilitating and improving the Santa Ana River Watershed:

(a) Basin water banking in one or more of the following basins: Chino, Colton, Orange County, Riverside, San Bernardino, and San Jacinto.

(b) Contaminant and salt removal through reclamation and desalting in Orange County, San Jacinto, or other basins in the watershed.

(c) Removal of nonnative plants, and the creation of new open space and wetlands.

(d) Programs for water conservation and efficiency and storm water capture and management.

(e) Planning and implementation of a flood control program to protect agricultural operations and adjacent property, to assist in abating the effects of waste discharges into waters of the state, consistent with the requirements of Section 13442.

79104.30. It is the intent of the Legislature to urge the federal government to allocate funds for projects to improve the Santa Ana River Watershed to match the state's financial commitment to the projects described in this article.

79104.32. It is the intent of the Legislature that the expenditure of the funds under this article be made through a broad-based watershed stakeholder process.

79104.34. Not more than 3 percent of the total amount deposited in the subaccount may be used to pay costs incurred by the board in connection with the administration of this article.

Article 6. Lake Elsinore and San Jacinto Watershed Program

79104.100. (a) There is hereby created in the account the Lake Elsinore and San Jacinto Watershed Subaccount.

(b) For the purposes of this article, "subaccount" means the Lake Elsinore and San Jacinto Watershed Subaccount created by subdivision (a).

79104.102. The sum of fifteen million dollars (\$15,000,000) is hereby transferred from the account to the subaccount.

79104.104. The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board to rehabilitate and improve the Lake Elsinore Watershed and San Jacinto Watershed and the water quality of Lake Elsinore by funding one or more of the following projects: watershed monitoring, storm channel modification, nutrient control, aeration, wetlands restoration and enhancement, wildlife habitat enhancement, fishery enhancement, calcium quicklime treatment, and sediment removal, or for grants awarded by the board to the Santa Ana Watershed Project Authority, other joint powers authorities, or local public agencies for any of these purposes, and for related planning and administrative costs.

79104.106. To the maximum extent feasible, the watershed management and flood control projects described in Section 79104.104 shall do one or more of the following:

- (a) Preserve agricultural land.
- (b) Protect wildlife habitat.
- (c) Protect and enhance recreational resources.
- (d) Improve lake water quality.

79104.108. It is the intent of the Legislature to urge the federal government to allocate funds for projects to improve the Lake Elsinore Watershed and San Jacinto Watershed, and lake water quality by matching the state's financial commitment to those projects.

79104.110. The funds appropriated pursuant to Section 79104.104 shall be allocated to a joint powers agency consisting of the City of Lake Elsinore, the Santa Ana Watershed Project Authority, the Elsinore Valley Municipal Water District and other agencies for implementation of programs to improve the water quality and habitat of Lake Elsinore, and its back basin consistent with the Lake Elsinore Management Plan.

79104.114. Not more than 3 percent of the total amount deposited in the subaccount may be used to pay costs incurred in connection with the administration of this article.

Article 7. Coastal Watershed Salmon Habitat Program

79104.200. (a) There is hereby created in the account the Coastal Watershed Salmon Habitat Subaccount.

(b) For the purpose of this article, "subaccount" means the Coastal Watershed Salmon Habitat Subaccount created by subdivision (a).

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79104.202. The sum of twenty-five million dollars (\$25,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79104.204. The money in the subaccount, upon appropriation by the Legislature to the Department of Fish and Game, shall be used by the Department of Fish and Game for direct expenditure and for grants to public agencies and nonprofit organizations to protect, restore, acquire, and enhance habitat for salmon. These funds may be used to match federal funding available for those purposes.

79104.206. Not more than 3 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

CHAPTER 7. CLEAN WATER AND WATER RECYCLING PROGRAM

Article 1. Clean Water and Water Recycling Account

79105. For the purposes of this chapter, "account" means the Clean Water and Water Recycling Account created by Section 79106.

79106. The Clean Water and Water Recycling Account is hereby created in the fund. The sum of three hundred fifty-five million dollars (\$355,000,000) hereby transferred from the fund to the account.

Article 2. Nonpoint Source Pollution Control Program

79110. The purpose of this article is to provide grant funding for projects that protect the beneficial uses of water throughout the state through the control of nonpoint source pollution.

79111. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "Best management practices" means those practices or set of practices determined by the board, a regional board, or the water quality planning agency for a designated area to be the most effective feasible means of preventing or reducing the generation of a specific type of nonpoint source pollution, given technological, institutional, environmental, and economic constraints.

(b) "Capital costs" has the same meaning as "cost," as defined in Section 32025 of the Public Resources Code.

(c) "Management measures" means economically achievable measures to prevent or control the addition of pollutants to state waters, which reflect the greatest degree of pollutant prevention achievable through the application of the best available nonpoint source pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.

(d) "Regional board" means a regional water quality control board.

(e) "Subaccount" means the Nonpoint Source Pollution Control Subaccount created by Section 79112.

79112. There is hereby created in the account the Nonpoint Source Pollution Control Subaccount.

79113. The sum of one hundred million dollars (\$100,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79114. (a) The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board to award grants, not to exceed five million dollars (\$5,000,000) per project, to local public agencies or nonprofit organizations formed by landowners to prepare and implement local nonpoint source plans. Grants shall only be awarded for any of the following projects:

(1) A project that is consistent with local watershed management plans that are developed under subdivision (d) of Section 79080 and with regional water quality control plans.

(2) A broad-based nonpoint source project, including a project identified in the board's "Initiatives in NPS Management," dated September 1995, and nonpoint source technical advisory committee reports.

(3) A project that is consistent with the "Integrated Plan for Implementation of the Watershed Management Initiative" prepared by the board and the regional boards.

(4) A project that implements management measures and practices or other needed projects identified by the board pursuant to its nonpoint source pollution control program's 15-year implementation strategy and five-year implementation plan that meets the requirements of Section 6217(g) of the federal Coastal Zone Act Reauthorization Amendments of 1990.

(b) The projects funded from the subaccount shall demonstrate a capability of sustaining water quality benefits for a period of 20 years. Categories of nonpoint source pollution addressed by projects may include, but are not limited to: silviculture, agriculture, urban runoff, mining, hydromodification, grazing, onsite disposal systems, boatyards and marinas, and animal feeding operations. Projects to address nonpoint source pollution may include, but are not limited to, wildfire management, installation of vegetative systems to filter or retard pollutant loading, incentive programs or large scale demonstration programs to reduce commercial reliance on polluting substances or to increase acceptance of alternative methods and materials, and engineered features to minimize impacts of nonpoint source pollution. Projects shall have defined water quality or beneficial use goals.

(c) Projects funded from the subaccount shall utilize best management practices, management measures, or both.

(d) If projects include capital costs, those costs shall be identified by the project applicant. The grant recipient shall provide a matching contribution for the portion of the project consisting of capital expenditures for construction, according to the following formula:

Project Capital Cost/Capital Cost Match by Recipient

\$1,000,000 to \$5,000,000, inclusive	20%
\$125,000 to \$999,999, inclusive	15%
\$1 to \$124,999, inclusive	10%

(e) Not more than 25 percent of a grant may be awarded in advance of actual expenditure.

(f) A proponent of a project funded from the subaccount shall be required to submit to the board a monitoring and reporting plan that does all of the following:

(1) Identifies one or more nonpoint sources of pollution.

(2) Describes the baseline water quality of the waterbody impacted.

(3) Describes the manner in which the proposed practices or measures are implemented.

(4) Determines the effectiveness of the proposed practices or measures in preventing or reducing pollution.

(g) Notwithstanding subdivision (b), the board may award up to 5 percent of the total amount deposited in the subaccount for demonstration projects that are intended to prevent, reduce, or treat nonpoint source pollution.

(h) A grant recipient shall submit a report to the board, upon completion of the project, that summarizes completed activities and indicates whether the purposes of the project have been met. The report shall include information collected by the grant recipient in accordance with the project monitoring and reporting plan, including a determination of the effectiveness of the best management practices or management measures implemented as part of the project in preventing or reducing nonpoint source pollution. The board shall make the report available to watershed groups, and federal, state, and local agencies.

79114.2. Notwithstanding any other provision of this article, the sum of five million dollars (\$5,000,000) is hereby appropriated from the subaccount, to the board to be used by the board, after consultation with the Department of Food and Agriculture, for loans, not to exceed five hundred thousand dollars (\$500,000) per loan, to provide low interest loans to finance the construction of projects designed to manage animal nutrients from animal feeding operations. Grants may be made available to local public agencies to pay for the cost of developing ordinances, regulations, and elements for their General Plan or other planning devices to assist in providing uniform standards for the permitting and operation of animal feeding operations within their jurisdictions. These funds may also be used for the preparation of the related environmental reviews that may be necessary under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) for approval of the devices.

79114.3. No project shall receive funds under this article if it receives funds pursuant to Article 5 (commencing with Section 79148).

79114.5. (a) Sixty percent of the money in the subaccount shall be allocated to projects in the Counties of Riverside, Ventura, Los Angeles, San Diego, Orange, or San Bernardino.

(b) Forty percent of the money in the subaccount shall be allocated to projects in counties not described in subdivision (a).

(c) This section does not apply to Section 79114.2 or Section 79117.

79115. The board may adopt regulations to implement this article.

79116. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

79117. (a) Notwithstanding any other provision of this article, of the funds transferred pursuant to Section 79113, the sum of ten million dollars (\$10,000,000), upon appropriation by the Legislature to the board, may be used by the board, after consultation with the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment, for grants as follows:

(1) Two million dollars (\$2,000,000) for research and source identification.

(2) Eight million dollars (\$8,000,000) for mitigation measures to protect water quality from potential adverse effects of pesticides, which measures have the ability to provide benefits for a period of 20 years, as determined by the board after consultation with the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment.

(b) The board shall adopt regulations to carry out this section.

Article 3. Clean Water Program

79120. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "Eligible project" means a project or activity described in paragraph (1), (2), (3), or (4) of subdivision (a) of Section 13480 that is all of the following:

(1) Necessary to prevent water pollution, reclaim water, or improve water quality.

(2) Eligible for funds from the State Revolving Fund Loan Subaccount or federal assistance.

(3) Certified by the board as entitled to priority over other eligible projects.

(4) Complies with applicable water quality standards, policies, and plans.

(b) "Federal assistance" means money provided to a municipality, either directly or through allocation by the state, from the federal government to construct eligible projects pursuant to the Clean Water Act.

(c) "Municipality" has the same meaning as defined in the Clean Water Act and also includes the state or any agency, department, or political subdivision thereof, and applicants eligible for technical assistance under Section 319 (33 U.S.C. Sec. 1329) or grants under Section 320 of the Clean Water Act (33 U.S.C. Sec. 1330).

(d) "Small community" means a municipality with a population of 10,000 persons or less, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 10,000 persons or less, with a financial hardship as determined by the board.

(e) "Treatment works" has the same meaning as defined in the Clean Water Act.

79121. There is hereby created in the account all of the following subaccounts:

(a) The State Revolving Fund Loan Subaccount.

(b) The Small Communities Grant Subaccount.

(c) The Wastewater Construction Grant Subaccount.

79122. (a) The following amounts are hereby transferred from the account to the following subaccounts and, notwithstanding Section 13340 of the Government Code, are hereby continuously appropriated, without regard to fiscal years, to the board, as follows:

(1) Thirty million five hundred thousand dollars (\$30,500,000) to the State Revolving Fund Loan Subaccount for the purposes of providing loans pursuant to the Clean Water Act, to aid in the construction or implementation of eligible projects, and for the purposes described in Section 79124.

(2) Thirty-four million dollars (\$34,000,000) to the Small Communities Grant Subaccount for grants by the board to small communities for construction of eligible treatment works, and for the purposes described in Section 79124.

79122.2. The sum of thirty-five million five hundred thousand dollars (\$35,500,000) is hereby transferred from the account to the Wastewater Construction Grant Subaccount and, upon appropriation by the Legislature to the board, may be used by the board for the purposes of providing grants to aid in the construction of treatment works for the Cities of Manteca, Stockton, Tracy, and Orange Cove.

79122.4. The board may transfer unallocated funds from the State Revolving Fund Loan Subaccount to the State Water Pollution Control Revolving Fund created pursuant to Section 13477 for the purposes of meeting federal requirements for state matching funds to provide loans in accordance with the Clean Water Act.

79123. The board may adopt regulations to carry out this article.

79124. The board may, by contract or otherwise, undertake plans, surveys, research, development, and studies necessary or desirable to carry out this article, and may prepare recommendations with regard thereto, including the preparation of comprehensive statewide or areawide studies and reports on the collection, treatment, and disposal of waste, and wastewater recycling. For the purposes of this section, "research" may include the design, acquisition, installation, or construction of monitoring and testing equipment and related facilities.

79125. Not more than 3 percent of the total amount deposited in each subaccount created pursuant to this article may be used to pay the costs incurred in connection with the administration of this article.

79126. Not more than 2 percent of the total amount deposited in each subaccount under this article may be used for the purposes of Section 79124.

79127. For the purposes of implementing paragraph (1) of subdivision (a) of Section 79122, the board may make loans to municipalities, pursuant to contract, to aid in the construction or implementation of eligible projects.

79128. (a) For purposes of paragraph (2) of subdivision (a) of Section 79122, the board may make grants to small communities so that any state grant does not exceed 97½ percent of the eligible cost of necessary studies, planning, design, and construction of the eligible project determined in accordance with applicable state law and regulations.

(b) The total amount of grants made pursuant to paragraph (2) of subdivision (a) of Section 79122, for any single project, may not exceed three million five hundred thousand dollars (\$3,500,000).

79128.5. For the purposes of paragraph (3) of subdivision (a) of Section 79122, the board may make grants for the cost of planning, design, and construction of treatment works necessary to comply with waste discharge requirements.

79129. Any contract entered into pursuant to this article for a loan or grant may include provisions determined by the board, and shall include all of the following provisions:

(a) An estimate of the reasonable cost of the project.

(b) A description of the type of assistance being offered.

(c) An agreement by the board to pay to the municipality or small community, during the progress of the project or following completion, as agreed upon by the parties, the amount specified in the contract determined pursuant to applicable federal and state laws.

(d) An agreement by the municipality or small community to proceed expeditiously with, and complete, the project, commence operation of the project upon completion, properly operate and maintain the project in accordance with applicable provisions of law, and provide for payment of its share of the costs of the project.

79130. All contracts entered into pursuant to this article for loans or grants are subject to both of the following requirements:

(a) Municipalities seeking assistance shall demonstrate, to the satisfaction of the board, that an adequate opportunity for public participation regarding the project has been provided.

(b) Any election held with respect to the project shall include the voters of the entire municipality unless the municipality proposes to accept the assistance on behalf of a specified portion or portions of the municipality, in which case the election shall be held in that portion or portions of the municipality only.

79131. Any loan made pursuant to Section 79127 shall meet the requirements of paragraph (1) of subdivision (b) of Section 13480.

79132. All principal and interest payments received pursuant to loan contracts entered into pursuant to this article shall be deposited in the State Revolving Fund Loan Subaccount for the purposes of entering into additional loans under this article, and shall not be transferred to the General Fund.

79133. (a) Notwithstanding any other provision of this article, of the continuously appropriated funds described in paragraph (1) of subdivision (a) of Section 79122, the sum of seven million dollars (\$7,000,000) shall be used by the Department of Toxic Substances Control for allocation to local agencies for groundwater remediation projects.

(b) The Department of Toxic Substances Control shall adopt regulations to carry out this subdivision.

Article 4. Water Recycling Program

79135. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "Municipality" has the same meaning as that set forth in subdivision (c) of Section 79120.

(b) "Subaccount" means the Water Recycling Subaccount created by Section 79136.

(c) "Water recycling project" means a water recycling project that meets applicable reclamation criteria and water reclamation requirements and that complies with applicable water quality standards, policies, and plans.

79136. There is hereby created in the account the Water Recycling Subaccount.

79137. (a) The sum of forty million dollars (\$40,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.

(b) (1) Sixty percent of the money in the subaccount shall be allocated to projects in the Counties of Riverside, Ventura, Los Angeles, San Diego, Orange, or San Bernardino.

(2) Forty percent of the money in the subaccount shall be allocated to projects in counties not described in paragraph (1).

79138. Unallocated funds remaining in the Water Recycling Subaccount in the Clean Water and Water Recycling Account in the Safe, Clean, Reliable Water Supply Fund on March 8, 2000, and any funds deposited into that subaccount after that date, shall be transferred to, and all money repaid to the state pursuant to any loan contract executed under Chapter 17 (commencing with Section 14050) of Division 7 or Article 3 (commencing with Section 78620) of Chapter 5 of Division 24 shall be deposited in, the subaccount for the purposes of this article.

79139. The board may enter into an agreement with the federal government for federal contributions to the subaccount if all of the following conditions have been met:

(a) The board has identified any required matching funds.

(b) The board is prepared to commit to the expenditure of any minimum amount in the subaccount in the manner required by the Clean Water Act.

(c) Any agreement between the board and the federal government is consistent with the purposes of this article.

79140. (a) Notwithstanding Section 13340 of the Government Code, 50 percent of the money in the subaccount is hereby continuously appropriated, without regard to fiscal years, to the board for loans to municipalities for the design and construction of water recycling projects in accordance with Section 79141, and for the purposes described in Sections 79143, 79144, and Section 79145.

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(b) Fifty percent of the money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board for grants to municipalities for the design and construction of water recycling projects in accordance with Section 79141.

79141. The board may enter into agreements with municipalities for loans and grants for projects to recycle water in accordance with this article. Criteria to be considered by the board in determining whether to enter into an agreement under this article may include, but are not limited to, whether the project is a cost-effective means to meet the state or local water supply needs, when compared to other sources of water supply that may be available to the municipality, whether the project is necessary to protect water quality, the readiness of the municipality to proceed with the design and construction of water recycling projects, the degree to which the recycled water improves water supply reliability, water quality, ecosystem restoration, and other environmental benefits, the net water savings benefit, the degree to which the recycled water would reduce water supply demands on the bay-delta system, the Colorado River, or other water systems critical to regional or statewide water supply, the ability to encourage development of new water recycling projects, and the amount of funding that the municipality is requesting under this article. The cost effectiveness of a project when compared to other sources of state or local water supply shall not be the sole factor in determining whether to enter into an agreement.

79142. An agreement entered into pursuant to Section 79141 may include those provisions determined by the board to be necessary for the purposes of this article.

79142.2. (a) A contract for a loan made pursuant to this article may not provide for a moratorium on, or the deferment of, the payment of the principal of, or interest on, the loan.

(b) Any loan made pursuant to Section 79141 shall be for a period not to exceed 20 years.

(c) The board may enter into a contract for a loan that equals up to 100 percent of the total eligible cost of design and construction of an eligible recycling project.

79142.4. (a) The board may establish the interest rate for a loan made pursuant to this article at a rate equal to 50 percent of the interest rate paid by the state on the most recent sale of state general obligation bonds, to be computed according to the true interest cost method.

(b) If the interest rate so determined is not a multiple of one-tenth of 1 percent, the interest rate shall be set at the next higher multiple of one-tenth of 1 percent.

(c) The interest rate set for each contract shall be applied throughout the repayment period of the contract. There shall be a level annual repayment of principal and interest on the loans.

79142.6. All principal and interest payments received pursuant to loan contracts executed pursuant to this article shall be deposited in the subaccount for the purposes of this article, and shall not be transferred to the General Fund.

79142.8. All interest earned by assets in the subaccount shall be deposited in the subaccount.

79143. The board may make grants to municipalities for facility planning studies for water recycling projects. The amount of the grants may not exceed seventy-five thousand dollars (\$75,000) per study.

79144. The board may, by contract or otherwise, undertake plans, surveys, research, development, and studies necessary or desirable to carry out this article, and may prepare recommendations with regard thereto, including the preparation of comprehensive statewide or areawide studies and reports on the collection, treatment, and disposal of waste and wastewater recycling. For the purposes of this section, "research" may include the design, acquisition, installation, or construction of monitoring and testing equipment and related facilities.

79145. (a) Not more than 3 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

(b) Not more than 3 percent of the total amount deposited in the subaccount may be used for the purposes of Section 79144.

79146. Notwithstanding any other provision of this article, the money in the subaccount may not be used to provide financial assistance to any water recycling project used to augment water supplies by discharging recycled water into a surface water reservoir that supplies water directly to a treatment facility for a water supply system that serves domestic uses.

79147. (a) The board may adopt regulations to carry out this article.

(b) The board is encouraged to expedite the review and processing of agreements to carry out the purposes of this article. The board shall report to the Legislature on the progress of implementing this article on or before June 30, 2001.

Article 5. Coastal Nonpoint Source Control Program

79148. The purpose of this article is to provide funding for projects that restore and protect the water quality and environment of coastal waters, estuaries, bays, and near shore waters and groundwaters.

79148.2. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "Educational institution" means community colleges, state colleges, and the University of California.

(b) "Local public agency" means any city, county, city and county, district, or other political subdivision of the state.

(c) "Municipality" has the same meaning as defined in the Clean Water Act and also includes the state or any agency, department, or political subdivision thereof, and applicants eligible for technical assistance under Section 319 (33 U.S.C. Sec. 1329) or grants under Section 320 of the Clean Water Act (33 U.S.C. Sec. 1330).

(d) "Nonprofit organization" means any California corporation organized under Section 501(c)(3) or 501(c)(5) of the Internal Revenue Code.

(e) "Regional board" means a regional water quality control board.

(f) "Subaccount" means the Coastal Nonpoint Source Control Subaccount created by Section 79148.4.

79148.4. There is hereby created in the account the Coastal Nonpoint Source Control Subaccount.

79148.6. The sum of ninety million dollars (\$90,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79148.7. Notwithstanding any other provision of this article, the sum of four million dollars (\$4,000,000), upon appropriation by the Legislature to the board, shall be allocated by the board to the City of Huntington Beach to fund multiagency studies to establish recommendations to address coastal nonpoint source pollution in the tidal marshes and coastal waters, and to implement those recommendations. Agencies authorized to conduct the studies and implement the recommendations may include, but need not be limited to, municipal and county governments, flood control districts, and sanitation districts.

79148.8. (a) The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board, in consultation with the California Coastal Commission, to award loans as provided in subdivision (b), and to award grants not to exceed five million dollars (\$5,000,000) per project, to municipalities, local public agencies, educational institutions, or nonprofit organizations for the purposes of this article. Grants may be awarded for any of the following projects:

(1) A project designed to improve water quality at public beaches and to make improvements for the purpose of ensuring that coastal waters adjacent to public beaches meet the bacteriological standards set forth in Article 2 (commencing with Section 115880) of Chapter 5 of Part 10 of Division 104 of the Health and Safety Code.

(2) A project to provide comprehensive capability for monitoring, collecting, and analyzing ambient water quality, including monitoring technology that can be entered into a statewide information base with standardized protocols and sampling, collection, storage and retrieval procedures.

(3) A project to make improvements to existing sewer collection systems and septic systems for the restoration and protection of coastal water quality.

(4) A project designed to implement storm water and runoff pollution reduction and prevention programs for the restoration and protection of coastal water quality.

(5) A project that is consistent with the state's nonpoint source control program, as revised to meet the requirements of Section 6217 of the federal Coastal Zone Act Reauthorization Amendments of 1990, Section 319 of the federal Clean Water Act (33 U.S.C. Sec. 1329), and the requirements of Division 7 (commencing with Section 13000).

(b) In addition to the grants authorized pursuant to subdivision (a), the board may make loans not to exceed five million dollars (\$5,000,000) per project to municipalities, local public agencies, educational institutions, or nonprofit organizations for the purposes set forth in paragraph (3) of subdivision (a).

(c) The projects funded from the subaccount shall demonstrate the capability of contributing to sustained, long-term water quality or environmental restoration or protection benefits for a period of 20 years, shall address the causes of degradation, rather than the symptoms, and shall be consistent with water quality and resource protection plans prepared, implemented, or adopted by the board, the applicable regional water quality control board, and the California Coastal Commission.

(d) An applicant for funds from the subaccount shall be required to submit to the board a monitoring and reporting plan that does all of the following:

(1) Identifies the nonpoint source or sources of pollution to be prevented or reduced by the project.

(2) Describes the baseline water quality or quality of the environment to be addressed.

(3) Describes the manner in which the project will be effective in preventing or reducing pollution and in demonstrating the desired environmental results.

(e) Upon completion of the project, a recipient of funds from the subaccount shall submit a report to the board that summarizes the completed activities and indicates whether the purposes of the project have been met. The report shall include information collected by the recipient in accordance with the project monitoring and reporting plan.

including a determination of the effectiveness of the project in preventing or reducing pollution. The board shall make the report available to the public, watershed groups, and federal, state, and local agencies.

(f) If projects include capital costs for construction, those costs shall be identified by the project applicant. The grant recipient shall provide a matching contribution for the portion of the project consisting of capital costs for construction, according to the following formula:

Capital Cost Project Cost/Capital Cost Match by Recipient

\$1,000,000 to \$5,000,000, inclusive	20%
\$125,000 to \$999,999, inclusive	15%
\$1 to \$124,999, inclusive	10%

For the purposes of this subdivision, "capital costs" has the same meaning as "cost" as defined in Section 32025 of the Public Resources Code.

(g) Not more than 25 percent of a grant may be awarded in advance of actual expenditure.

(h) An applicant for funds from the subaccount shall inform the board of any necessary public agency approvals, entitlements, and permits that may be necessary to implement the project. The application shall certify to the board, at the appropriate time, that those approvals, entitlements, and permits have been granted.

(i) Where recovery plans for coho salmon, steelhead trout, or other threatened or endangered aquatic species exist, projects funded under this article shall be consistent with those plans, and to the extent feasible, shall seek to implement actions specified in those plans.

79148.10. (a) Sixty percent of the money in the subaccount shall be allocated to projects in the Counties of Riverside, Ventura, Los Angeles, San Diego, Orange, or San Bernardino.

(b) Forty percent of the money in the subaccount shall be allocated to projects in the counties not described in subdivision (a).

79148.12. The board shall provide opportunity for public review and comment in awarding funds pursuant to this article, and may, in consultation with the California Coastal Commission, adopt regulations to implement this article.

79148.14. No project shall receive funds under this article if it receives funds pursuant to Article 2 (commencing with Section 79110).

79148.15. Notwithstanding any other provision of this article, three million dollars (\$3,000,000), upon appropriation by the Legislature to the board, shall be allocated by the board to the San Diego County Water Authority for environmental studies and engineering studies for the San Diego Regional Conveyance Facility.

79148.16. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

Article 6. Seawater Intrusion Control

79149. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) (1) "Eligible seawater intrusion control project" means a project that meets all of the following requirements:

(A) The project is necessary to protect groundwater and meets both of the following requirements:

(i) The project is within a basin that is subject to a local groundwater management plan for which a review is completed pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(ii) The project is threatened by seawater intrusion in an area where restrictions on groundwater pumping, a physical solution, or both, are necessary to prevent the destruction of, or irreparable injury to, groundwater quality.

(B) In the case of a project that would provide a substitute water supply, the project is cost-effective when compared to the development of other new sources of water and includes requirements or measures adequate to ensure that the substitute supply will be used in lieu of previously established extractions or diversions of groundwater.

(C) The project complies with applicable water quality standards, policies, and plans.

(2) Eligible projects may include, but are not limited to, water conservation, freshwater well injection, and substitution of groundwater pumping from local surface supplies.

(b) "Local agency" means any city, county, district, joint powers authority, or other political subdivision of the state involved in water management.

(c) "Subaccount" means the Seawater Intrusion Control Subaccount created by Section 79149.2.

79149.2. (a) There is hereby created in the account the Seawater Intrusion Control Subaccount. The sum of twenty-five million dollars (\$25,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

(b) Notwithstanding Section 13340 of the Government Code, the money in the subaccount is hereby continuously appropriated, without regard to fiscal years, to the board for loans to local agencies to carry out

eligible seawater intrusion control projects and for the purposes described in this article and for the administration of this article.

79149.3. Unallocated funds remaining in the Seawater Intrusion Control Subaccount in the Clean Water and Water Recycling Account in the Safe, Clean, Reliable Water Supply Fund on March 8, 2000, and any funds deposited into that subaccount after that date, shall be transferred to, and all money repaid to the state pursuant to any loan contract executed under Article 6 (commencing with Section 78648) of Chapter 5 of Division 24 shall be deposited in, the subaccount for the purposes of this article.

79149.4. The board may enter into contracts to make loans to local agencies for the purposes set forth in this article.

79149.6. Any contract for a loan entered into pursuant to Section 79149.4 may include those provisions determined by the board to be necessary for the purposes of this article and shall include both of the following provisions:

(a) An estimate of the reasonable cost of the eligible seawater intrusion control project.

(b) An agreement by the local agency to proceed expeditiously with, and complete, the eligible seawater intrusion control project, commence operation of the project in accordance with applicable provisions of law, and provide for the payment of the local agency's share of the cost of the project, including the principal of, and interest on, the loan.

79149.8. (a) A contract for a loan may not provide for a moratorium on the payment of the principal of, or interest on, the loan.

(b) Any loan made pursuant to Section 79149.4 shall be for a period not to exceed 20 years.

(c) The board may enter into a contract for a loan amount that equals up to 100 percent of the total eligible cost of design and construction of an eligible seawater intrusion control project.

79149.10. (a) The board shall establish the interest rate for a loan made pursuant to this article at a rate equal to 50 percent of the interest rate paid by the state on the most recent sale of state general obligation bonds, to be computed according to the true interest cost method.

(b) If the interest rate so determined is not a multiple of one-tenth of 1 percent, the interest rate shall be set at the next higher multiple of one-tenth of 1 percent.

(c) The interest rate set for each contract shall be applied throughout the repayment period of the contract. There shall be a level annual repayment of principal and interest on the loans.

79149.12. All principal and interest payments received pursuant to loan contracts entered into pursuant to this article shall be deposited in the subaccount.

79149.14. The board may, by contract or otherwise, undertake plans, surveys, research, development, and studies necessary, convenient, or desirable to carry out the purposes of this article.

79149.16. Not more than 3 percent of the total amount deposited in the subaccount may be used to pay for both of the following:

(a) To pay the costs incurred in connection with the administration of this article.

(b) For the purposes of Section 79149.14.

CHAPTER 8. WATER CONSERVATION PROGRAM

Article 1. Findings and Declarations

79150. The Legislature finds and declares that:

(a) Voluntary, cost-effective capital outlay water conservation programs can help meet the growing demand for clean and abundant water supplies throughout the state.

(b) The participation of the state in the construction of local water conservation projects is desirable to further the effective management of the water resources of the state.

Article 2. General Provisions

79151. Unless the context otherwise requires, the following definitions govern the construction of this chapter:

(a) "Account" means the Water Conservation Account created by Section 79152.

(b) (1) "Water conservation program or project" means those feasible capital outlay measures undertaken to improve the efficiency of water use through projects, the benefits of which exceed the costs.

(2) The programs include, but are not limited to, all of the following:

(A) The lining or piping of ditches.

(B) Improvements in water distribution system controls such as automated canal control, construction of small reservoirs within distribution systems that conserve water that has already been captured for use, and related physical improvements.

(C) Tailwater pumpback recovery systems.

(D) Major improvements to, or replacement of, deteriorated distribution systems to reduce leakage and maximize conservation.

(E) Capital outlay features of agricultural water conservation programs identified in the "Memorandum of Understanding Regarding Efficient Agricultural Water Management Practices," dated July 16, 1997, and endorsed by the Agricultural Water Management Council, and any amendments thereto.

(c) "Economically disadvantaged area" means any area of the state for which both of the following statements apply:

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(1) A median household income that is less than forty thousand dollars (\$40,000) based on the most recent federal census.

(2) An annual average unemployment rate that is greater than 9 percent based on the most recent federal census.

(d) (1) "Groundwater recharge facilities" means lands and facilities for artificial groundwater recharge through methods that include, but are not limited to, percolation using basins, pits, ditches, and furrows, modified streambeds, flooding, and well injection. For the purposes of this chapter, expenditures for "groundwater recharge facilities" include capital outlay expenditures to expand, renovate, or restructure land and facilities used for the purposes of groundwater recharge and to acquire additional land for recharge basins.

(2) Groundwater recharge facilities may include any of the following:

(A) Instream facilities for regulation of water levels, but not regulation of streamflow to accomplish diversion from the waterway.

(B) Agency-owned facilities for extraction.

(C) Conveyance facilities to convey water to the recharge site, including devices for flow regulation and measurement of recharge waters.

(3) Any part or all of the project facilities, including the land under the facilities, may consist of separable features, or an appropriate share of multipurpose features, of a larger system, or both.

(e) "Infrastructure rehabilitation project" means a project located in an economically disadvantaged area for the repair, replacement, restoration, or rehabilitation of an existing water distribution system that delivers water for domestic, municipal, or industrial uses, including pipelines, pump stations, valves, meters, reservoirs, and all other appurtenant water delivery facilities that result in the reduction or elimination of significant distribution system water losses or replace a failing system component that threatens the health, safety, welfare, and economy of areas relying on the water distribution system.

(f) "Local agency" or "agency" means any city, county, city and county, district, joint powers authority, or other political subdivision of the state involved with water management. "Local agency" or "agency" also means a mutual water company. For purposes of this chapter, mutual water company means a nonprofit corporation organized for, or engaged in the business of, developing, distributing, supplying, or delivering water for irrigation or domestic use, or both, to its members or shareholders, at actual cost plus necessary expenses.

(g) "Project" may include any of the following:

(1) Water conservation project.

(2) Groundwater recharge facilities.

(3) Urban water conservation project.

(4) Infrastructure rehabilitation project.

(h) "Urban water conservation project" means capital outlay features of urban water conservation programs identified in the "Memorandum of Understanding Regarding Urban Water Conservation in California," as amended on April 8, 1998, by the California Urban Water Conservation Council, and any amendments thereto.

79152. The Water Conservation Account is hereby created in the fund.

79153. (a) The sum of one hundred fifty-five million dollars (\$155,000,000) is hereby transferred from the fund to the account for the purposes of this chapter.

(b) Unallocated funds remaining in the Water Conservation and Groundwater Recharge Subaccount in the Water Supply Reliability Account in the Safe, Clean, Reliable Water Supply Fund on March 8, 2000, shall be transferred to, and all money repaid to the state pursuant to any loan contract executed under Article 3 (commencing with Section 78670) of Chapter 6 of Division 24 shall be deposited in, the account for the purposes of entering into additional loans under Article 3 (commencing with Section 79157) and Article 4 (commencing with Section 79161).

79154. (a) Any loan agreement entered into pursuant to this chapter may include provisions determined to be necessary by the department.

(b) Any loan agreement pursuant to this chapter shall include all of the following:

(1) A finding by the department that the agency has the ability to repay the loan, that the project is cost-effective, and that the project is feasible from an engineering or hydrologic standpoint, or both.

(2) An agreement by the agency to proceed expeditiously with, and complete, the project in conformance with approved plans and specifications and to operate and maintain the project properly upon completion throughout the repayment period.

(3) A provision that there shall be no moratorium on, or deferment of, payments of principal or interest.

(4) (A) A loan period of not more than 20 years with an interest rate set at a rate equal to 50 percent of the interest rate paid by the state on the most recent sale of state general obligation bonds, to be computed according to the true interest cost method.

(B) If the interest rate so determined is not a multiple of 1 percent, the interest rate shall be set at the next multiple of one-tenth of 1 percent.

(C) The interest rate for each loan agreement shall be applied throughout the repayment period of the contract. There shall be a level annual repayment of principal and interest on the loans.

79155. (a) Any grant agreement entered into pursuant to this chapter may include provisions determined to be necessary by the department.

(b) Any grant agreement pursuant to this chapter shall include both of the following:

(1) A determination by the department that the project is economically justified, and that the project is feasible.

(2) An estimate of the reasonable cost and benefit of the project, including a feasibility report that sets forth the engineering and financial feasibility of the project, and shall include a description of the proposed facilities and their relation to other water-related facilities in the system service area.

79155.5. Notwithstanding any other provision of law, regulations set forth in Chapter 2.3 (commencing with Section 450.1) of Division 2 of Title 23 of the California Code of Regulations that are in effect on March 8, 2000, may be used to carry out this chapter.

79156. Not more than 3 percent of the total amount deposited in the subaccount may be used by the department to pay the costs incurred in connection with the administration of this article.

Article 3. Agricultural Water Conservation Program

79157. (a) The sum of thirty-five million dollars (\$35,000,000) in the account, upon appropriation by the Legislature to the department, shall be used by the department for loans to local agencies to aid in the acquisition and construction of agricultural water conservation projects, and for grants in accordance with Section 79158.

(b) For the purposes of approving a loan under this section, the department shall determine if there will be a net saving of water as a result of each proposed project and if the project is determined by the department to be cost-effective.

(c) A project under this article shall not receive any more than five million dollars (\$5,000,000) in loan proceeds from the department.

(d) The department shall give preference to the agencies that propose the most cost-effective projects.

79158. (a) The department may make grants to local agencies, under any terms and conditions that may be determined necessary by the department, for the purpose of financing feasibility studies of projects potentially eligible for a loan under Section 79157.

(b) No single feasibility study shall be eligible to receive more than one hundred thousand dollars (\$100,000), and not more than 5 percent of the total amount deposited in the account may be expended for the purposes of financing feasibility studies.

(c) A grant for a feasibility study shall not affect the maximum amount of any loan that may be made under this article.

Article 4. Groundwater Recharge Facilities Program

79161. (a) The sum of thirty million dollars (\$30,000,000) in the account is hereby appropriated to the department, without regard to fiscal years, for use by the department for loans and grants to local agencies for the acquisition and construction of groundwater recharge facilities.

(b) A loan application pursuant to this article shall include the reasonable cost and benefit of the proposed project, including a feasibility report that shall set forth the economic justification for the project, and shall include explanations of the proposed facilities and their relation to other water supply related facilities in the basin or region.

(c) A project under this article shall not receive any more than five million dollars (\$5,000,000) in loan proceeds from the department.

(d) The department shall give preference under this section to projects that are located in overdrafted groundwater basins, projects of critical need, projects whose feasibility studies demonstrate the greatest engineering and hydrogeologic feasibility as determined by the department, and projects located in areas that have groundwater management plans.

79161.5. (a) The department may make grants to local agencies, under any terms and conditions that may be determined necessary by the department, for the purpose of financing feasibility studies of projects potentially eligible for a loan under Section 79161.

(b) No single feasibility study shall be eligible to receive more than one hundred thousand dollars (\$100,000), and not more than 5 percent of the total amount deposited in the account may be expended for the purposes of financing feasibility studies.

(c) A grant for a feasibility study shall not affect the maximum amount of any loan that may be made under this article.

Article 5. Infrastructure Rehabilitation Program

79162. (a) The sum of sixty million dollars (\$60,000,000) in the account, upon appropriation by the Legislature to the department, shall be used by the department for grants awarded by the department to local agencies for the purposes of funding infrastructure rehabilitation projects.

(b) (1) For the purposes of making grants pursuant to subdivision (a), the factors to be considered by the department in determining whether to enter into an agreement shall include, but not be limited to, the need to implement projects that provide measurable conservation through the

reduction of system water losses by rehabilitating water delivery systems.

(2) Grants awarded pursuant to subdivision (a) shall be available for public water systems owned and operated by local agencies in economically disadvantaged areas with service connections that exceed 200 but are not greater than 16,000 in number. The department shall give highest priority in awarding grants to those agencies with the highest retail water rates and service charges as of January 1, 1999.

(c) No single construction grant under this article shall exceed five million dollars (\$5,000,000).

79162.2. (a) The department may make grants to local agencies, under any terms and conditions as may be determined necessary by the department, for the purpose of financing feasibility studies of projects potentially eligible for a grant under Section 79162.

(b) No single feasibility study shall be eligible to receive more than one hundred thousand dollars (\$100,000), and not more than 5 percent of the total amount deposited in the account may be expended for the purposes of financing feasibility studies.

(c) A grant for a feasibility study shall not affect the maximum of any construction grant that may be made under this article.

79162.4. The department may adopt regulations to carry out this article.

Article 6. Urban Water Conservation Program

79163. (a) The sum of thirty million dollars (\$30,000,000) in the account, upon appropriation by the Legislature to the department, shall be used by the department for grants and loans awarded by the department to local agencies for the purposes of funding urban water conservation projects.

(b) A project under this article shall not receive more than five million dollars (\$5,000,000) in loan proceeds from the department.

79164. (a) The department may make grants to local agencies, under any terms and conditions that may be determined necessary by the department, for the purpose of financing feasibility studies of projects potentially eligible for a loan under Section 79163.

(b) No single feasibility study shall be eligible to receive more than one hundred thousand dollars (\$100,000), and not more than 5 percent of the total amount deposited in the account may be expended for the purposes of financing feasibility studies.

(c) A grant for a feasibility study shall not affect the maximum amount of any loan that may be made under this article.

CHAPTER 9. WATER SUPPLY, RELIABILITY, AND INFRASTRUCTURE PROGRAM

Article 1. Water Supply, Reliability, and Infrastructure Account

79165. For the purposes of this chapter, "account" means the Water Supply, Reliability, and Infrastructure Account created by Section 79166.

79166. The Water Supply, Reliability, and Infrastructure Account is hereby created in the fund. The sum of six hundred thirty million dollars (\$630,000,000) is hereby transferred from the fund to the account.

Article 2. Groundwater Storage Program

79170. The Legislature finds and declares that the conjunctive management of surface water and groundwater is an effective way to improve the reliability of water supply for all sectors in California.

79171. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "Conjunctive use" means the temporary storage of water in a groundwater aquifer through intentional recharge and subsequent extraction for later use. Storage is accomplished by either of the following methods:

(1) "Direct recharge" of an aquifer by conducting surface water into the ground by various means, including, without limitation, spreading ponds and injection wells for the purpose of making the water stored in the aquifer available for extraction and later use in drier years.

(2) "In-lieu recharge" means increasing the amount of groundwater available in an aquifer by substituting surface water supplies to a user who would otherwise pump groundwater.

(b) "Conjunctive use facilities" include land and appurtenant facilities for any phase of a conjunctive use operation. Appurtenant facilities may include subsurface storage, treatment, conveyance, recharge ponds, injection wells, spreading grounds, monitoring, measurements, subsidence detection, flow regulation, detention basins to facilitate recharge, diversion facilities, and extraction facilities.

(c) "Conjunctive use project" means a project that is intended to produce water supply benefits for the local agency or a project that is intended to produce water supply benefits for water users, including the environment, in addition to the local agency.

(d) "Local agency" means any city, county, city and county, district, joint powers authority, mutual water company, or other political subdivision of the state.

(e) "Project participants" means any public agency participating in, and benefiting from, a conjunctive use project under this article.

(f) "Subaccount" means the Conjunctive Use Subaccount created by Section 79172.

79172. There is hereby created in the account the Conjunctive Use Subaccount.

79173. The sum of two hundred million dollars (\$200,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79174. The money in the subaccount, upon appropriation by the Legislature to the department, may be used by the department for grants for feasibility studies, project design, or the construction of conjunctive use projects on a pilot or operational scale.

79175. Not more than 5 percent of the total amount deposited in the subaccount may be expended for purposes of financing feasibility studies.

79176. For the purpose of approving projects pursuant to this article, the department shall give priority to those projects for which there is available third-party funds from any source other than the Central Valley Project Restoration Fund authorized by the Central Valley Project Improvement Act. The department shall also take into consideration all of the following with regard to each proposed project:

(a) The magnitude of the actual increase in water supply yield and reliability compared to preexisting conditions.

(b) The consistency with the plans or recommendations proposed by CALFED.

(c) The distribution of the benefits to water supply and to the environment.

(d) The availability of the storage for conserved water.

(e) The technical and environmental suitability of the groundwater basin for conjunctive use.

(f) The potential to reduce critically overdrafted conditions in a groundwater basin.

(g) The need for the project.

(h) The potential to alleviate salt water intrusion into groundwater basins or other groundwater quality degradation.

(i) The economic, engineering, and hydrogeologic justification for the project.

(j) The availability of third-party or local matching funds from any source other than the Central Valley Project Restoration Fund authorized by the Central Valley Project Improvement Act.

(k) The involvement of one or more local agencies whose jurisdiction or water service area overlies or is adjacent to the aquifer utilized to store water.

(l) The potential to reduce dry year demand for surface water under existing contracts.

(m) The existence of a system for the recovery of the stored water or an agreement with the department or a local agency for the installation of that system.

(n) Whether the project is located in an area that is subject to a groundwater management program.

79177. To be eligible for funding for the construction of a conjunctive use project under this article, an applicant that is other than a local agency shall be required to carry out that project with the participation of a local agency. The department or a local agency may provide technical assistance, coordination, or any other assistance in implementing a project or study if requested by the participating local agency.

79178. No construction project may receive more than fifty million dollars (\$50,000,000) from the subaccount.

79179. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

79180. Not less than 40 percent of the total amount deposited in the subaccount shall be expended for studies, projects, and facilities within watersheds of the central valley.

79181. (a) A project undertaken pursuant to this article shall fully protect and preserve the groundwater rights of the overlying landowners and shall fully protect and preserve the water rights of the project participants. The department shall not provide funding for a project unless it determines that the project will be designed and operated in a manner that ensures that other users of the same or a hydrologically related aquifer will not suffer any unreasonable diminution of the quantity or quality of their groundwater supplies or incur additional uncompensated expense as a result of the implementation of the project.

(b) For the purposes of receiving funding for a conjunctive use project pursuant to this article, the applicant shall be required to do both of the following:

(1) Provide for a continuing groundwater monitoring and mitigation program.

(2) Limit the extraction of the groundwater to not more than the amount of water that is stored or recharged by the project participants or the amount that complies with all laws and contract terms governing the extraction, appropriation, and use of groundwater by the project participants.

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(c) Persons and agencies participating in the project may not assert a claim or file a cause of action against an overlying landowner who is not exceeding either of the following:

(1) The overlying landowner's historic rate of groundwater pumping.
(2) The full amount of groundwater to which the overlying landowner would be entitled to under state law regarding rights to groundwater and reasonable beneficial use on the landowner's land that overlies the groundwater.

(d) The overlying landowners may not assert a claim or file a cause of action against the persons or agencies participating in the project if the project is implemented in compliance with this section, except as provided by contract between the project participants.

(e) Nothing in this article modifies state law with regard to groundwater rights, regulation, or management.

79182. In carrying out this article and awarding grants, the department shall convene and consult with an advisory committee comprised of technically qualified representatives of local water agencies, project participants, environmental interests, agricultural laborer interests, and interests representing farmers who use groundwater. The advisory committee shall be geographically balanced to reflect the communities that use water in the central valley. If a member of the advisory committee, or a member of his or her immediate family, is employed by a grant applicant or the employer of a grant applicant, the committee members shall make that disclosure to the other members of the committee and shall not participate in the review of the grant application of that applicant.

79183. The department may adopt regulations to carry out this article.

Article 3. Bay-Delta Multipurpose Water Management Program

79190. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "CALFED Bay-Delta Program" or "program" means the undertaking by CALFED pursuant to the Framework Agreement dated June 20, 1994, to develop a long-term solution to water management, environmental, and other problems in the bay-delta watershed by means of a programmatic environmental impact statement/environmental impact report.

(b) "CALFED EIS/EIR" means the final programmatic environmental impact statement/environmental impact report prepared by CALFED.

(c) "CALFED stage 1 action" means an action identified in the preferred alternative of the CALFED EIS/EIR as an action intended for implementation during stage 1 of Phase III of the CALFED Bay-Delta Program.

(d) (1) "Eligible project" means a demonstration project, subject to the CALFED adaptive management principle that requires an assessment of the performance of the demonstration projects in order to determine which projects are successful in achieving the goals of the program.

(2) "Eligible project" means a project that meets both of the following requirements.

(A) The project is identified in the CALFED EIS/EIR as a CALFED stage 1 action.

(B) The project does one or more of the following:

(i) Constructs treatment facilities or relocates discharge facilities for agricultural drainage generated within the delta to improve water quality in the delta or the quality of water that is transported from the delta.

(ii) Constructs facilities to control waste discharges that contribute to low dissolved oxygen and other water quality problems in the lower San Joaquin River and the south delta.

(iii) Constructs fish facilities for the State Water Project or the Central Valley Project intakes in the south delta, such as facilities for fish screens, fish handling, and fish passage, or modifications to intake structures or other facilities, to reduce losses of any life stages of fish to water diversions in the San Joaquin River and the delta in accordance with paragraph (1) of Section (C) of Chapter IV of the board's 1995 water quality control plan.

(iv) Constructs a permanent barrier at the head of Old River to improve fish migration and other permanent barriers in the south delta channels to improve water quality and water level for local diversions.

(v) Constructs facilities to control drainage from abandoned mines that adversely affect water quality in the bay-delta.

(vi) Constructs a permanent barrier at Grantline Canal to improve water quality and water levels for local diversion.

(e) "Subaccount" means the Bay-Delta Multipurpose Water Management Subaccount created by Section 79194.

79191. This article does not affect the authority of any agency pursuant to any other provision of law to expend funds for the purposes described in this article.

79192. The Legislature hereby finds and declares all of the following:

(a) CALFED is in the process of preparing a programmatic EIS/EIR for a long-term comprehensive plan that will resolve problems related to

ecosystem restoration, including the recovery of endangered species such as chinook salmon, water quality, water supply, water management, and system integrity for the protection of beneficial uses of the bay-delta ecosystem.

(b) The CALFED Bay-Delta Program is of statewide and national importance. The state should participate in the funding of eligible projects as a part of its ongoing program to improve conditions in the bay-delta ecosystem.

(c) The programmatic EIS/EIR will include a schedule for funding and implementing all elements of the long-term comprehensive plan.

(d) The elements of the CALFED Bay-Delta Program will achieve balanced solutions in all identified problem areas, including the ecosystem, water quality, water supply, and system integrity.

79193. (a) This article does not authorize the implementation of the CALFED Bay-Delta Program or any element of that program. The implementation of the CALFED Bay-Delta Program, or any element of that program, shall only be undertaken pursuant to authority provided by law other than this division.

(b) Nothing in this article affects the obligation to comply with provisions of existing law in connection with the implementation of this article.

79194. There is hereby created in the account the Bay-Delta Multipurpose Water Management Subaccount.

79195. The sum of two hundred fifty million dollars (\$250,000,000) is hereby transferred from the account to the subaccount.

79196. (a) The money in the subaccount, upon appropriation by the Legislature to the department, may be used by the department to carry out eligible projects and for the purposes of Section 79202.

(b) Money in the subaccount that is allocated to carry out eligible projects, as described in clauses (ii), (iv), and (vi) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190, and is not expended for those purposes, may be reallocated by the department to carry out other eligible projects, as described in clauses (i), (iii), and (v) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(c) No funds in the subaccount shall be used by the department unless and until the department has consulted, on an annual basis, with the state and federal agencies that participate in CALFED, as well as representatives of the public convened as a duly authorized advisory committee, with regard to the specific projects proposed for funding under this article. Decisions regarding specific expenditures of funds provided under this article shall be jointly determined, to the maximum extent possible, by the recommendations of the state and federal CALFED agencies with the advice of the advisory committee.

79196.5. The funds appropriated pursuant to Section 79196 shall be allocated as follows:

(a) Seventeen million dollars (\$17,000,000) for the purposes of the project described in clause (i) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(b) Forty million dollars (\$40,000,000) for the purposes of the project described in clause (ii) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(c) One hundred twenty million dollars (\$120,000,000) for the purposes of the project described in clause (iii) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(d) Forty million dollars (\$40,000,000) for the purposes of the project described in clause (iv) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(e) Seventeen million dollars (\$17,000,000) for the purposes of the project to be described in clause (v) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(f) Sixteen million dollars (\$16,000,000) for the purposes of the project described in clause (vi) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

79197. No funds in the subaccount may be expended until all of the following conditions have been met:

(a) The CALFED EIS/EIR has been certified by the state lead agency and a notice of determination has been issued as required by Division 13 (commencing with Section 21000) of the Public Resources Code.

(b) The CALFED EIS/EIR has been filed by the federal lead agencies with the United States Environmental Protection Agency, the required notice has been published in the Federal Register, and there has been federal approval of a program identical to the program approved by the state.

79198. The state, to the greatest extent possible, shall secure federal and nonfederal funds to implement this article.

79199. Due to the importance of issuing permits and otherwise expediting all elements of the CALFED Bay-Delta Program in a timely and balanced manner, the following procedures shall apply to the use of funds authorized by this article:

(a) After the requirements set forth in Section 79197 are met, funds in the subaccount shall become available for use in accordance with the schedule for eligible projects set forth in the final programmatic EIS/EIR, unless the Secretary of the Resources Agency determines that the schedule established in the final programmatic EIS/EIR has not been substantially adhered to.

(b) On or before November 15 of each year, the Secretary of the Resources Agency, in consultation with state and federal CALFED representatives and other interested persons and agencies, shall review adherence to the schedule.

(c) The absence of funding from nonfederal or nonstate sources shall not be a basis for a determination that the schedule has not been adhered to.

(d) If, at the conclusion of each annual review, the Secretary of the Resources Agency determines that the schedule established in the final programmatic EIS/EIR, or a revised schedule prepared pursuant to this subdivision, has not been substantially adhered to, the secretary, after notice to, and consultation with, state and federal CALFED representatives and other interested persons and agencies, shall prepare a revised schedule that ensures that balanced solutions in all identified problem areas, including ecosystem restoration, water supply, water quality, and system integrity are achieved, consistent with the intent of the final programmatic EIS/EIR. Funds shall be available for expenditure unless a revised schedule has not been developed within six months from the date on which the secretary determines that the prior schedule has not been substantially adhered to. Upon the preparation of any revised schedule under this subdivision, funds shall be expended in accordance with that revised schedule.

(e) Funds in the subaccount shall become available in accordance with the cost-share agreement developed by the CALFED Bay-Delta Program, which shall describe the federal, state, and local share of funding for the programs, projects, and other CALFED stage 1 actions.

79200. On or before December 15 of each year, the Secretary of the Resources Agency shall submit an annual report to the Legislature that describes the status of the implementation of all elements of the CALFED Bay-Delta Program, any determinations made by the secretary pursuant to subdivisions (b) and (d) of Section 79199 and other significant scheduling issues. The report also shall include a detailed accounting of expenditures, descriptions of programs for which expenditures have been made, and a schedule of anticipated expenditures for the next year.

79201. The report prepared pursuant to Section 79200 shall include both of the following:

(a) A summary of the results achieved by the projects funded under this article.

(b) An identification of any necessary modifications that should be made to eligible projects or other CALFED bay-delta projects, to ensure that the goals and objectives of CALFED are met.

79201.5. Nothing in this article shall be construed to address the allocation of benefits from projects or programs funded by this article. It is anticipated that this issue will be settled in the CALFED process or by the Legislature by statute.

79202. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

79203. The department may adopt regulations to carry out this article.

Article 4. Interim Water Reliable Supply and Water Quality Infrastructure and Management Program

79205.2. (a) "Delta export service area," as used in this article, means both of the following:

(1) The counties included within the Association of Bay Area Governments.

(2) Those areas of the state outside the delta that receive water from the State Water Project or the Central Valley Project, either directly or by exchange, by means of diversions from the delta.

(b) "Local agency," as used in this article, means any city, county, city and county, district, or other political subdivision of the state.

79205.4. (a) There is hereby created the Interim Water Supply and Water Quality Infrastructure and Management Subaccount.

(b) For the purposes of this article, "subaccount" means the Interim Reliable Water Supply and Water Quality Infrastructure and Management Subaccount.

79205.6. The sum of one hundred eighty million dollars (\$180,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.

79205.8. (a) The money in the subaccount, upon appropriation by the Legislature to the department, may be used by the department to provide grants or loans, or any combination thereof, which are approved by the Governor, to local agencies located in the delta export service areas for programs or projects that can be completed and provide the intended benefits not later than March 8, 2009, and are designed to increase water supplies, enhance water supply reliability, or improve water quality.

(b) The department shall provide grants for programs or projects located outside the delta and which meet one of the following requirements:

(1) The project or program constructs new or expands existing groundwater storage and recovery projects or acquires rights to use storage in existing reservoirs.

(2) The project or program implements measures that facilitate improved water treatment, water transfers, or exchanges, including, but not limited to, a project that improves water quality by shifting reliance from lower quality to higher quality water supplies.

(3) The project or program implements state of the art agricultural water conservation programs, and programs that treat or manage agricultural drainage water for reuse or instream water quality benefits.

(c) The department shall list the projects that are proposed to be funded from the subaccount.

79205.10. For purposes of prioritizing eligible programs or projects for funding under this article, the department shall give priority to programs or projects that meet one or more of the following requirements:

(a) Can be completed expeditiously and thereby provide near term benefits and more immediate mitigation of urgent problems related to water supply and water quality.

(b) Implements actions to improve water quality and protect water level conditions in San Luis Reservoir.

(c) Includes public-private partnerships or cost sharing arrangements that maximize public benefits.

(d) Sponsored by a public agency with water supplies that are being or would be impacted to a greater degree by delta-related water supply shortages and water quality degradation.

79205.12. The state, to the greatest extent possible, shall seek matching federal funds to implement this article.

79205.14. Funds available from the subaccount shall be available for all phases of project development including, but not limited to, project administration, permitting and environmental compliance, feasibility studies, and construction.

79205.16. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay costs incurred in connection with the administration of this article.

CHAPTER 10. FISCAL PROVISIONS

79210. Bonds in the total amount of one billion nine hundred seventy million dollars (\$1,970,000,000), not including the amount of any refunding bonds issued in accordance with Section 79219, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this division and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of the principal of, and interest on, the bonds as the principal and interest become due and payable.

79211. (a) The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), except Section 16727, and all of the provisions of that law apply to the bonds and to this division and are hereby incorporated in this division as though set forth in full in this division.

(b) For purposes of the State General Obligation Bond Law, each state agency that administers an appropriation of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund is designated the "board."

79212. Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this division, the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Finance Committee is hereby created. For purposes of this division, the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Finance Committee is the "committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Treasurer, the Controller, and the Director of Finance, or their designated representatives. A majority of the committee may act for the committee.

79213. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

79214. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

79215. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this division, an amount that will equal the total of the following:

Text of Proposed Laws—Continued

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 79216, appropriated without regard to fiscal years.

79216. For the purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

79217. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

79218. The agency that administers an appropriation of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purpose of carrying out this division. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this division. The requesting agency shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the requesting agency in accordance with this division.

79219. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this division includes the approval of the issuance of any other bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds.

79220. Notwithstanding any provision of this division or the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this division that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and for the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or to take any other action with respect to the investment and use of those bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of that state.

79221. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this division are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

SEC. 3. Section 14058 of the Water Code is amended to read:

14058. (a) The sum of thirty million dollars (\$30,000,000) of the money in the fund shall be deposited in the Water Reclamation Account and, notwithstanding Section 13340 of the Government Code, is hereby continuously appropriated to the board for the purposes of this section.

(b) The board may enter into contracts with local public agencies having authority to construct, operate, and maintain water reclamation projects, for loans to aid in the design and construction of eligible water reclamation projects. The board may loan up to 100 percent of the total eligible cost of design and construction of an eligible reclamation project.

(c) Any contract for an eligible water reclamation project entered into pursuant to this section may include such provisions as determined by the board and shall include both of the following provisions:

(1) An estimate of the reasonable cost of the eligible water reclamation project.

(2) An agreement by the local public agency to proceed expeditiously with, and complete, the eligible water reclamation project; commence operation of the project in accordance with applicable provisions of law, and provide for the payment of the local public agency's share of the cost of the project, including principal and interest on any state loan made pursuant to this section.

(d) Loan contracts may not provide for a moratorium on payments of principal or interest.

(e) Any loans made from the fund may be for a period of up to 20 years. The interest rate for the loans shall be set at a rate equal to 50 percent of the interest rate paid by the state on the most recent sale of state general obligation bonds, with that rate to be computed according to the true interest cost method. When the interest rate so determined is not a multiple of one-tenth of 1 percent, the interest rate shall be set at the next higher multiple of one-tenth of 1 percent.

(f) All money repaid to the state pursuant to any contract executed under this chapter shall be deposited in the Water Recycling Subaccount, created by Section 78621, of the Clean Water and Water Recycling Account in the Safe, Clean, Reliable Water Supply Fund, for the purposes set forth in subdivision (b) of Section 78621 in the Clean Water and Water Recycling Account in the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund created by Section 79136, for the purposes set forth in Article 4 (commencing with Section 79135) of Chapter 7 of Division 26.

SEC. 4. Section 78621 of the Water Code is amended to read:

78621. (a) (1) There is hereby created in the account the Water Recycling Subaccount. The sum of sixty million dollars (\$60,000,000) is hereby transferred from the account to the subaccount for the purpose of implementing this article.

(2) All money repaid to the state pursuant to any contract executed under the Clean Water and Water Reclamation Bond Law of 1988 (Chapter 17 (commencing with Section 14050) of Division 7) shall be deposited in the subaccount for the purposes of subdivision (b) Water Recycling Subaccount in the Clean Water and Water Recycling Account in the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund created by Section 79136, for the purposes set forth in Article 4 (commencing with Section 79135) of Chapter 7 of Division 26.

(b) Notwithstanding Section 13340 of the Government Code, the money in the subaccount is hereby continuously appropriated, without regard to fiscal years, to the board for loans to public agencies to construct, operate, and maintain eligible recycling projects, for loans to aid in the design and construction of eligible recycling projects, for grants in accordance with Section 78628, and for the purposes described in Section 78629 and subdivision (a) of Section 78630.

SEC. 5. Section 78626 of the Water Code is repealed.

78626. (a) All principal and interest payments received pursuant to loan contracts entered into pursuant to this article shall be deposited in the subaccount for additional loans under subdivision (b) of Section 78621, and shall not be transferred to the General Fund.

(b) The board may transfer any unallocated funds in the subaccount to the Water Reclamation Account in the 1984 State Clean Water Bond Fund for the purposes set forth in Section 13999-10.

SEC. 6. Section 78626 is added to the Water Code, to read:

78626. Unallocated funds remaining in the subaccount on March 8, 2000, and any funds deposited into the subaccount after that date, shall be transferred to, and all money repaid to the state pursuant to any loan contract executed under this article shall be deposited in, the Water Recycling Subaccount in the Clean Water and Water Recycling Account in the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund for the purposes set forth in Section 79140.

SEC. 7. Section 78648.12 of the Water Code is repealed.

78648.12. All principal and interest payments received pursuant to loan contracts entered into pursuant to this article shall be deposited in the subaccount.

SEC. 8. Section 78648.12 is added to the Water Code, to read:

78648.12. Unallocated funds remaining in the subaccount on March 8, 2000, and any funds deposited into the subaccount after that date, shall be transferred to, and all money repaid to the state pursuant to any loan contract executed under this article shall be deposited in, the Seawater Intrusion Control Subaccount in the Clean Water and Water Recycling Account in the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund for the purposes set forth in Article 6 (commencing with Section 79149) of Chapter 7 of Division 26.

SEC. 9. Section 78675 of the Water Code is repealed.

78675. Any repayments of loans made pursuant to this article, including interest payments, and all interest earned on, or accruing to, any money in the subaccount, shall be deposited in the subaccount and shall be available for the uses described in this article.

SEC. 10. Section 78675 is added to the Water Code, to read:

78675. Unallocated funds remaining in the subaccount on March 8, 2000, shall be transferred to, and all money repaid to the state pursuant to any loan contract executed under this article shall be deposited in, the Water Conservation Account in the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund for the purposes of entering into additional loans under Article 3 (commencing with Section 79157) and Article 4 (commencing with Section 79161) of Chapter 8 of Division 26.

Proposition 14: Text of Proposed Law

This law proposed by Senate Bill 3 of the 1999–2000 Regular Session (Chapter 726, Statutes of 1999) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Education Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 12 (commencing with Section 19985) is added to Part 11 of the Education Code, to read:

CHAPTER 12. CALIFORNIA READING AND LITERACY IMPROVEMENT AND PUBLIC LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 2000

Article 1. General Provisions

19985. This chapter shall be known and may be cited as the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

19985.5. The Legislature finds and declares the following:

(a) Reading and literacy skills are fundamental to success in our economy and our society.

(b) The Legislature and Governor have made enormous strides in improving the quality of reading instruction in public schools.

(c) Public libraries are an important resource to further California's reading and literacy goals both in conjunction with the public schools and for the adult population.

(d) The construction and renovation of public library facilities is necessary to expand access to reading and literacy programs in California's public education system and to expand access to public library services for all residents of California.

19986. As used in this chapter, the following terms have the following meanings:

(a) "Committee" means the California Library Construction and Renovation Finance Committee established pursuant to Section 19972.

(b) "Fund" means the California Public Library Construction and Renovation Fund.

(c) "Board" means the California Public Library Construction and Renovation Board. This board is comprised of the State Librarian, the Treasurer, the Director of Finance, an Assembly Member appointed by the Speaker of the Assembly, a Senator appointed by the Senate Rules Committee, and a member appointed by the Governor.

Legislative members of the board shall meet with, and participate in, the work of the board to the extent that their participation is not incompatible with their duties as Members of the Legislature. For the purposes of this chapter, Members of the Legislature who are members of the board shall constitute a joint legislative committee on the subject matter of this chapter.

Article 2. Program Provisions

19987. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the California Public Library Construction and Renovation Fund, which is hereby established.

19988. All moneys deposited in the fund, except as provided in Section 20011, are continuously appropriated to the State Librarian, notwithstanding Section 13340 of the Government Code, and shall be available for grants to any city, county, city and county, or district that is authorized at the time of the project application to own and maintain a public library facility for the purposes set forth in Section 19989.

19989. The grant funds authorized pursuant to Section 19988, and the matching funds provided pursuant to Section 19995, shall be used by the recipient for any of the following purposes:

(a) Acquisition or construction of new facilities or additions to existing public library facilities.

(b) Acquisition of land necessary for the purposes of subdivision (a).

(c) Remodeling or rehabilitation of existing public library facilities or of other facilities for the purpose of their conversion to public library facilities. All remodeling and rehabilitation projects funded with grants authorized pursuant to this chapter shall include any necessary upgrading of electrical and telecommunications systems to accommodate Internet and similar computer technology.

(d) Procurement or installation, or both, of furnishings and equipment required to make a facility fully operable, if the procurement or installation is part of a construction or remodeling project funded pursuant to this section.

(e) Payment of fees charged by architects, engineers, and other professionals, whose services are required to plan or execute a project authorized pursuant to this chapter.

19990. Any grant funds authorized pursuant to Section 19988, or matching funds provided pursuant to Section 19995, may not be used by a recipient for any of the following purposes:

(a) Books and other library materials.

(b) Administrative costs of the project, including, but not limited to, the costs of any of the following:

(1) Preparation of the grant application.

(2) Procurement of matching funds.

(3) Conduct of an election for obtaining voter approval of the project.

(c) Interest or other carrying charges for financing the project, including, but not limited to, costs of loans or lease-purchase agreements in excess of the direct costs of any of the authorized purposes specified in Section 19989.

(d) Any ongoing operating expenses for the facility, its personnel, supplies, or any other library operations.

19991. All construction contracts for projects funded in part through grants awarded pursuant to this chapter shall be awarded through competitive bidding pursuant to Part 3 (commencing with Section 20100) of Division 2 of the Public Contract Code.

19992. This chapter shall be administered by the State Librarian. The board shall adopt rules, regulations, and policies for the implementation of this chapter.

19993. A city, county, city and county, or district may apply to the State Librarian for a grant pursuant to this chapter, as follows:

(a) Each application shall be for a project for a purpose authorized by Section 19989.

(b) An application may not be submitted for a project for which construction bids already have been advertised.

(c) The applicant shall request not less than fifty thousand dollars (\$50,000) per project.

19994. (a) The State Librarian shall consider applications for construction of new public library facilities submitted pursuant to Section 19993 in the following priority order:

(1) First priority shall be given to joint use projects in which the agency that operates the library and one or more school districts have a cooperative agreement.

(2) Second priority shall be given to all other public library projects.

(b) The State Librarian shall consider applications for remodeling or rehabilitation of existing public library facilities pursuant to Section 19993 in the following priority order:

(1) First priority shall be given to public library projects in the attendance areas of public schools that are determined, pursuant to regulations adopted by the board, to have inadequate infrastructure to support access to computers and other educational technology.

(2) Second priority shall be given to all other projects.

19995. (a) Each grant recipient shall provide matching funds from any available source in an amount equal to 35 percent of the costs of the project. The remaining 65 percent of the costs of the project, up to a maximum of twenty million dollars (\$20,000,000) per project, shall be provided through allocations from the fund.

(b) Qualifying matching funds shall be cash expenditures in the categories specified in Section 19989 which are made not earlier than three years prior to the submission of the application to the State Librarian. Except as otherwise provided in subdivision (c), in-kind expenditures do not qualify as matching funds.

(c) Land donated or otherwise acquired for use as a site for the facility, including, but not limited to, land purchased more than three years prior to the submission of the application to the State Librarian, may be credited towards the 35 percent matching funds requirement at its appraised value as of the date of the application. This subdivision shall not apply to land acquired with funds authorized pursuant to Part 68 (commencing with Section 100400).

(d) Architect fees for plans and drawings for library renovation and new construction, including, but not limited to, plans and drawings purchased more than three years prior to the submission of the application to the State Librarian, may be credited towards the 35 percent matching funds requirement.

19996. (a) The estimated costs of a project for which an application is submitted shall be consistent with normal public construction costs in the applicant's area.

(b) An applicant wishing to construct a project having costs that exceed normal public construction costs in the area may apply for a grant in an amount not to exceed 65 percent of the normal costs up to a maximum of twenty million dollars (\$20,000,000) per project if the applicant certifies that it is capable of financing the remainder of the project costs from other sources.

19997. Once an application has been approved by the board and included in the State Librarian's request to the committee, the amount of the funding to be provided to the applicant may not be increased. Any actual changes in project costs are the full responsibility of the applicant. If the amount of funding that is provided is greater than the cost of the project, the applicant shall return that portion of the funding that exceeds the cost of the project to the fund. If an applicant has been awarded funding by the board, but chooses not to proceed with the project, the applicant shall return all of the funding to the fund.

19998. (a) In reviewing applications, as part of establishing the priorities set forth in Section 19994 the board shall consider all of the following factors:

Text of Proposed Laws—Continued

- (1) Needs of urban and rural areas.
- (2) Population growth.
- (3) Age and condition of the existing library facility.
- (4) The degree to which the existing library facility is inadequate in meeting the needs of the residents in the library service area and the degree to which the proposed project responds to the needs of those residents.
- (5) The degree to which the library's plan of service integrates appropriate electronic technologies into the proposed project.
- (6) The degree to which the proposed site is appropriate for the proposed project and its intended use.
- (7) The financial capacity of the local agency submitting the application to open and maintain operation of the proposed library for applications for the construction of new public libraries.
- (b) If, after an application has been submitted, material changes occur that would alter the evaluation of an application, the State Librarian may accept an additional written statement from the applicant for consideration by the board.
19999. (a) A facility, or the part thereof, acquired, constructed, or remodeled, or rehabilitated with grants received pursuant to this chapter shall be dedicated to public library direct service use for a period of not less than 20 years following completion of the project.
- (b) The interest of the state in land or a facility, or both, pursuant to the funding of a project under this chapter, as described in subdivision (a), may be transferred by the State Librarian from the land or facility, or both, for which that funding was granted to a replacement site and facility acquired or constructed for the purpose of providing public library direct service.
- (c) If the facility, or any part thereof, acquired, constructed, remodeled, or rehabilitated with grants received pursuant to this chapter ceases to be used for public library direct service prior to the expiration of the period specified in subdivision (a), the board is entitled to recover, from the grant recipient or the recipient's successor in the maintenance of the facility, an amount that bears the same ratio to the value of the facility, or the appropriate part thereof, at the time it ceased to be used for public library direct service as the amount of the grant bore to the cost of the facility or the appropriate part thereof. For purposes of this subdivision, the value of the facility, or the appropriate part thereof, is determined by the mutual agreement of the board and the grant recipient or successor, or through an action brought for that purpose in the superior court.
- (d) Notwithstanding subdivision (f) of Section 16724 of the Government Code, any money recovered pursuant to subdivision (c) shall be deposited in the fund, and shall be available for the purpose of awarding grants for other projects.

Article 3. Fiscal Provisions

20000. Bonds in the amount of three hundred fifty million dollars (\$350,000,000), exclusive of refunding bonds, or so much thereof as is necessary, may be issued and sold for deposit in the fund to be used in accordance with, and for carrying out the purposes expressed in, this chapter, including all acts amendatory thereof and supplementary thereto, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of and interest on bonds as the principal and interest become due and payable.

20001. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

20002. (a) For purposes of this chapter, the California Library Construction and Renovation Finance Committee established pursuant to Section 19972 is the "committee" as that term is used in the State General Obligation Bond Law.

(b) For purposes of the State General Obligation Bond Law, the California Public Library Construction and Renovation Board

established pursuant to subdivision (c) of Section 19986 is designated the "board."

20003. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the actions specified in this chapter, including all acts amendatory thereof and supplementary thereto, and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

20004. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of and interest on the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

20005. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of and interest on bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 20006, appropriated without regard to fiscal years.

20006. For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, with interest at the rate earned by the money in the Pooled Money Investment Account during the time the money was withdrawn from the General Fund pursuant to this section, from money received from the sale of bonds for the purpose of carrying out this chapter.

20007. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purposes of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this chapter. The board shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

20008. Any bonds issued and sold pursuant to this chapter may be refunded by the issuance of refunding bonds in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 2 of Title 2 of the Government Code. Approval of the electors of the state for the issuance of bonds under this chapter shall include the approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds.

20009. All money deposited in the fund that is derived from premium and accrued interest on bonds sold pursuant to this chapter shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

20010. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

20011. Amounts deposited in the fund pursuant to this chapter may be appropriated in the annual Budget Act to the State Librarian for the actual amount of office, personnel, and other customary and usual expenses incurred in the direct administration of grant projects pursuant to this chapter, including, but not limited to, expenses incurred by the State Librarian in providing technical assistance to an applicant for a grant under this chapter.

Proposition 15: Text of Proposed Law

This law proposed by Assembly Bill 1391 of the 1999–2000 Regular Session (Chapter 727, Statutes of 1999) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Penal Code; therefore, new

provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Title 9.5 (commencing with Section 14108) is added to Part 4 of the Penal Code, to read:

**TITLE 9.5. THE HERTZBERG-POLANCO CRIME
LABORATORIES CONSTRUCTION BOND ACT OF 1999**

CHAPTER 1. FINANCES

14108. The proceeds of bonds issued and sold pursuant to this title shall be deposited in the Forensic Laboratories Capital Expenditure Bond Fund, which is hereby created.

14108.1. Bonds in the total amount of two hundred twenty million dollars (\$220,000,000), not including the amount of any refunding bonds issued in accordance with Section 14108.11, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for the construction, renovation, and infrastructure costs associated with the construction of new local forensic laboratories and the remodeling of existing local forensic laboratories, for the costs of administering this title, including, but not limited to, the administrative costs of the Forensic Laboratories Authority, as established in Section 14109, and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of the principal of, and interest on, the bonds as the principal and interest become due and payable.

14108.2. (a) General obligation bonds may be issued by the state to finance the working drawings, preliminary plans, construction, renovation, equipping of the laboratories, and parking facilities and other improvements, betterments, and facilities directly related thereto as described in Section 14108.1.

(b) The amount of the general obligation bonds to be sold shall equal the cost of construction, renovation, and equipping of the laboratories and facilities, the cost of working drawings and preliminary plans, sums necessary to pay financing costs, including interest during construction, and a reasonable reserve fund.

14108.3. The bonds authorized by this title shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

14108.4. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this title, the Hertzberg-Polanco Forensic Laboratories Construction Act Finance Committee is hereby created. For purposes of this chapter, the Hertzberg-Polanco Forensic Laboratories Construction Act Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Controller, the Director of Finance, and the Treasurer, or their designated representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

(b) For purposes of the State General Obligation Bond Law, the Forensic Laboratories Authority is designated the "board."

14108.5. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this title in order to carry out Section 14108.1 and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

14108.6. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds maturing each year; and it is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

14108.7. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this title, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this title, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out Section 14108.8, appropriated without regard to fiscal years.

14108.8. For purposes of carrying out this title, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized to be sold for the purpose of carrying out this title. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this title.

14108.9. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for purposes of

carrying out this title. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this title. The board shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this title.

14108.10. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

14108.11. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this title includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this title or any previously issued refunding bonds.

14108.12. Notwithstanding any provision of this title or of the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this title that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or to take any other action with respect to the investment and use of bond proceeds required or desirable under federal law so as to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

14108.13. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this title are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

14108.14. The authority is authorized to apply for any funds that may be available from the federal government to further the purposes of this title.

CHAPTER 2. FORENSIC LABORATORIES AUTHORITY

14109. (a) There is hereby created within the Department of Justice the Forensic Laboratories Authority.

(b) (1) The authority shall be composed of seven members, including the Attorney General, the State Director of Crime Laboratories, and five members who shall be appointed by the Governor, with the advice and consent of the Senate.

(2) Of the members that are first appointed, two shall be appointed for a term of two years, two for a term of three years, and one for a term of four years. Their successors shall serve for a term of three years and until appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor.

(c) The first appointments shall be made by April 1, 2000.

(d) The first meeting of the authority shall occur by May 15, 2000. The authority shall meet at least twice a year.

(e) The Governor shall select a chair and vice-chairperson from among its members. Four members of the authority shall constitute a quorum.

(f) If any appointed member is not in attendance for three consecutive meetings, the authority shall recommend to the Governor that the member be removed and the Governor shall make a new appointment for the remainder of the term.

(g) The authority shall comply with the state open meetings law pursuant to Article 9 (commencing with Section 11120) of Division 3 of Title 2 of, and Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of, the Government Code.

14109.1. Members of the authority shall receive no compensation, but shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the authority shall be deemed performance by a member of the duties of his or her state or local governmental employment.

14109.2. This chapter shall be repealed on January 1, 2010.

**CHAPTER 3. FORENSIC LABORATORY CONSTRUCTION AND
REMODELING APPLICATIONS**

14109.5. (a) The authority shall consider applications for funding the construction of new local forensic laboratories and the renovation of existing local forensic laboratories.

(b) Upon approval of an application, the authority shall have the authority to make grants from the Forensic Laboratories Capital Expenditure Bond Fund to fund the construction and renovation of forensic laboratories.

(c) The manner and form of the application shall be prescribed by the authority.

Text of Proposed Laws—Continued

(d) The Legislature may establish additional criteria which the authority shall use for approval of applications for construction and renovation.

(e) The authority shall make grants for the construction and renovation of forensic laboratories only if the following requirements are met:

(1) The applicant provides 10 percent in matching funds. This requirement may be modified or waived by the Legislature where it determines that it is necessary to facilitate the expeditious and equitable construction or remodeling of local forensic laboratory facilities.

(2) The governing body of the entity, or of each entity, comprising the applicant approves a resolution or resolutions agreeing to pay for the ongoing operating costs of the laboratory.

(3) The application will not jeopardize the tax-exempt status of the bond issue.

(4) Construction or renovation project management is vested in a public works, or similar agency with the requisite expertise.

(5) The construction or renovation project complies with state or local bidding and contract requirements.

Proposition 16: Text of Proposed Law

This law proposed by Senate Bill 630 of the 1999–2000 Regular Session (Chapter 728, Statutes of 1999) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Military and Veterans Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SEC. 2. Chapter 2 (commencing with Section 1100) is added to Division 5 of the Military and Veterans Code, to read:

CHAPTER 2. VETERANS' HOMES BOND ACT OF 2000

Article 1. General Provisions

1100. This chapter shall be known, and may be cited, as the Veterans' Homes Bond Act of 2000.

1102. As used in this chapter, the following terms have the following meaning:

(a) "Board" means the Department of Veterans Affairs designated in accordance with subdivision (b) of Section 1108.

(b) "Committee" means the Veterans' Home Finance Committee created pursuant to subdivision (a) of Section 1108.

(c) "Fund" means the Veterans' Home Fund created pursuant to Section 1103.

Article 2. Veterans' Homes

1103. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Veterans' Home Fund, which is hereby created in the State Treasury.

1104. (a) Upon appropriation by the Legislature, money in the fund shall be used by the Department of Veterans Affairs for the purpose of designing and constructing veterans' homes in California and completing a comprehensive renovation of the Veterans' Home at Yountville. Funding from this bond shall be allocated to fund the state's matching requirement to construct or renovate those veterans' homes in Section 1011 first, and then fund any additional homes established under this section. These homes shall be in addition to sites authorized under Section 1011.

(b) Notwithstanding any other provision of law, construction contracts awarded for veterans' homes shall have a statewide participation goal of not less than 3 percent for disabled veteran business enterprises, as defined in subdivision (g) of Section 999.

Article 3. Fiscal Provisions

1105. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the State Treasury to the credit of the Veterans' Home Fund, created by Section 1103.

1106. Bonds in the total amount of fifty million dollars (\$50,000,000), not including the amount of any refunding bonds issued in accordance with Section 1130, or as much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used and sold for carrying out the purposes of Section 1104 and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and shall constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

1107. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

1108. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Veterans' Home Finance Committee is hereby created. For purposes of this chapter, the Veterans' Home Finance Committee is "the committee" as that term is used in the State General

Obligation Bond Law. The committee consists of the Treasurer, the Controller, the Director of Finance, and the Secretary of Veterans Affairs, or their designated representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

(b) For purposes of the State General Obligation Bond Law, the Department of Veterans Affairs is designated the "board."

1109. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the actions specified in this chapter and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

1110. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds maturing each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

1111. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 1112 appropriated without regard to fiscal years.

1112. The Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this chapter. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from money received from the sale of bonds for the purpose of carrying out this chapter.

1113. The Department of Veterans Affairs may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account in accordance with Section 16312 of the Government Code for the purposes of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The department shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the department in accordance with this chapter.

1114. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

1115. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this chapter includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this chapter or any previously issued refunding bonds.

1116. Notwithstanding any provision of this chapter or the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or to take any other action with respect to the investment and use of bond proceeds required or desirable

under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

1117. The Legislature hereby finds and declares that, inasmuch as

the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

Proposition 17: Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 4 of the 1999–2000 Regular Session (Resolution Chapter 123, Statutes of 1999) expressly amends the California Constitution by amending a section thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO SECTION 19 OF ARTICLE IV

SEC. 19. (a) The Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

(c) Notwithstanding subdivision (a), the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

(d) Notwithstanding subdivision (a), there is authorized the

establishment of a California State Lottery.

(e) The Legislature has no power to authorize, and shall prohibit, casinos of the type currently operating in Nevada and New Jersey.

(f) Notwithstanding subdivision (a), the Legislature may authorize private, nonprofit, eligible organizations, as defined by the Legislature, to conduct raffles as a funding mechanism to provide support for their own or another private, nonprofit, eligible organization's beneficial and charitable works, provided that (1) at least 90 percent of the gross receipts from the raffle go directly to beneficial or charitable purposes in California, and (2) any person who receives compensation in connection with the operation of a raffle is an employee of the private nonprofit organization that is conducting the raffle. The Legislature, two-thirds of the membership of each house concurring, may amend the percentage of gross receipts required by this subdivision to be dedicated to beneficial or charitable purposes by means of a statute that is signed by the Governor.

Proposition 18: Text of Proposed Law

This law proposed by Senate Bill 1878 of the 1997–98 Regular Session (Chapter 629, Statutes of 1998) is submitted to the people in accordance with the provisions of Section 10 of Article II of the California Constitution.

This proposed law amends a section of the Penal Code; existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SEC. 2. Section 190.2 of the Penal Code is amended to read:

190.2. (a) The penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in the state prison for life without the possibility of parole if one or more of the following special circumstances has been found under Section 190.4 to be true:

(1) The murder was intentional and carried out for financial gain.

(2) The defendant was convicted previously of murder in the first or second degree. For the purpose of this paragraph, an offense committed in another jurisdiction, which if committed in California would be punishable as first or second degree murder, shall be deemed murder in the first or second degree.

(3) The defendant, in this proceeding, has been convicted of more than one offense of murder in the first or second degree.

(4) The murder was committed by means of a destructive device, bomb, or explosive planted, hidden, or concealed in any place, area, dwelling, building, or structure, and the defendant knew, or reasonably should have known, that his or her act or acts would create a great risk of death to one or more human beings.

(5) The murder was committed for the purpose of avoiding or preventing a lawful arrest, or perfecting or attempting to perfect, an escape from lawful custody.

(6) The murder was committed by means of a destructive device, bomb, or explosive that the defendant mailed or delivered, attempted to mail or deliver, or caused to be mailed or delivered, and the defendant knew, or reasonably should have known, that his or her act or acts would create a great risk of death to one or more human beings.

(7) The victim was a peace officer, as defined in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, 830.4, 830.5, 830.6, 830.10, 830.11, or 830.12, who, while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of his or her duties; or the victim was a peace officer, as defined in the above-enumerated sections, or a former peace officer under any of those sections, and was intentionally killed in retaliation for the performance of his or her official duties.

(8) The victim was a federal law enforcement officer or agent who, while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew, or reasonably should have known, that the victim was a federal law enforcement officer or agent engaged in the performance of his or her duties; or the victim was a federal law enforcement officer or agent, and was intentionally killed in retaliation for the performance of his or her official duties.

(9) The victim was a firefighter, as defined in Section 245.1, who,

while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew, or reasonably should have known, that the victim was a firefighter engaged in the performance of his or her duties.

(10) The victim was a witness to a crime who was intentionally killed for the purpose of preventing his or her testimony in any criminal or juvenile proceeding, and the killing was not committed during the commission or attempted commission, of the crime to which he or she was a witness; or the victim was a witness to a crime and was intentionally killed in retaliation for his or her testimony in any criminal or juvenile proceeding. As used in this paragraph, "juvenile proceeding" means a proceeding brought pursuant to Section 602 or 707 of the Welfare and Institutions Code.

(11) The victim was a prosecutor or assistant prosecutor or a former prosecutor or assistant prosecutor of any local or state prosecutor's office in this or any other state, or of a federal prosecutor's office, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.

(12) The victim was a judge or former judge of any court of record in the local, state, or federal system in this or any other state, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.

(13) The victim was an elected or appointed official or former official of the federal government, or of any local or state government of this or any other state, and the killing was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.

(14) The murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity. As used in this section, the phrase "especially heinous, atrocious, or cruel, manifesting exceptional depravity" means a conscienceless or pitiless crime that is unnecessarily torturous to the victim.

(15) The defendant intentionally killed the victim ~~while~~ *by means of* lying in wait.

(16) The victim was intentionally killed because of his or her race, color, religion, nationality, or country of origin.

(17) The murder was committed while the defendant was engaged in, or was an accomplice in, the commission of, attempted commission of, or the immediate flight after committing, or attempting to commit, the following felonies:

(A) Robbery in violation of Section 211 or 212.5.

(B) Kidnapping in violation of Section 207, 209, or 209.5.

(C) Rape in violation of Section 261.

(D) Sodomy in violation of Section 286.

(E) The performance of a lewd or lascivious act upon the person of a child under the age of 14 years in violation of Section 288.

(F) Oral copulation in violation of Section 288a.

(G) Burglary in the first or second degree in violation of Section 460.

(H) Arson in violation of subdivision (b) of Section 451.

(I) Train wrecking in violation of Section 219.

(J) Mayhem in violation of Section 203.

(K) Rape by instrument in violation of Section 289.

(L) Carjacking, as defined in Section 215.

(M) To prove the special circumstances of kidnapping in subparagraph (B), or arson in subparagraph (H), if there is specific

Text of Proposed Laws—Continued

intent to kill, it is only required that there be proof of the elements of those felonies. If so established, those two special circumstances are proven even if the felony of kidnapping or arson is committed primarily or solely for the purpose of facilitating the murder.

(18) The murder was intentional and involved the infliction of torture.

(19) The defendant intentionally killed the victim by the administration of poison.

(20) The victim was a juror in any court of record in the local, state, or federal system in this or any other state, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.

(21) The murder was intentional and perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person or persons outside the vehicle with the intent to inflict death. For purposes of this paragraph, "motor vehicle" means any vehicle as defined in Section 415 of the Vehicle Code.

(b) Unless an intent to kill is specifically required under subdivision (a) for a special circumstance enumerated therein, an actual killer, as to whom the special circumstance has been found to be true under Section 190.4, need not have had any intent to kill at the time of the commission of the offense which is the basis of the special circumstance

in order to suffer death or confinement in the state prison for life without the possibility of parole.

(c) Every person, not the actual killer, who, with the intent to kill, aids, abets, counsels, commands, induces, solicits, requests, or assists any actor in the commission of murder in the first degree shall be punished by death or imprisonment in the state prison for life without the possibility of parole if one or more of the special circumstances enumerated in subdivision (a) has been found to be true under Section 190.4.

(d) Notwithstanding subdivision (c), every person, not the actual killer, who, with reckless indifference to human life and as a major participant, aids, abets, counsels, commands, induces, solicits, requests, or assists in the commission of a felony enumerated in paragraph (17) of subdivision (a) which results in the death of some person or persons, and who is found guilty of murder in the first degree therefor, shall be punished by death or imprisonment in the state prison for life without the possibility of parole if a special circumstance enumerated in paragraph (17) of subdivision (a) has been found to be true under Section 190.4.

The penalty shall be determined as provided in this section and Sections 190.1, 190.3, 190.4, and 190.5.

Proposition 19: Text of Proposed Law

This law proposed by Senate Bill 1690 of the 1997–98 Regular Session (Chapter 760, Statutes of 1998) is submitted to the people in accordance with the provisions of Section 10 of Article II of the California Constitution.

This proposed law amends a section of the Penal Code; existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SEC. 6. Section 190 of the Penal Code, as amended by Section 1 of Chapter 413 of the Statutes of 1997, is amended to read:

190. (a) Every person guilty of murder in the first degree shall ~~suffer be punished by death, confinement imprisonment~~ *be punished by death, confinement imprisonment* in the state prison for life without the possibility of parole, or ~~confinement imprisonment~~ *imprisonment* in the state prison for a term of 25 years to life. The penalty to be applied shall be determined as provided in Sections 190.1, 190.2, 190.3, 190.4, and 190.5.

Except as provided in subdivision (b), (c), or (d), every person guilty of murder in the second degree shall ~~suffer confinement be punished by imprisonment~~ *be punished by imprisonment* in the state prison for a term of 15 years to life.

(b) Except as provided in subdivision (c), every person guilty of murder in the second degree shall ~~suffer confinement be punished by imprisonment~~ *be punished by imprisonment* in the state prison for a term of 25 years to life if the victim was a peace officer, as defined in subdivision (a) of Section 830.1, subdivision (a), ~~or (b)~~, *or (c) of Section 830.2, subdivision (a) of Section 830.33, or Section 830.5*, who was killed while engaged in the performance of his or her duties, and the defendant knew, or reasonably should have known, that the victim was ~~such~~ a peace officer engaged in

the performance of his or her duties.

(c) Every person guilty of murder in the second degree shall ~~suffer confinement be punished by imprisonment~~ *be punished by imprisonment* in the state prison for a term of life without the possibility of parole if the victim was a peace officer, as defined in subdivision (a) of Section 830.1, subdivision (a), ~~or (b)~~, *or (c) of Section 830.2, subdivision (a) of Section 830.33, or Section 830.5*, who was killed while engaged in the performance of his or her duties, and the defendant knew, or reasonably should have known, that the victim was ~~such~~ a peace officer engaged in the performance of his or her duties, and any of the following facts has been charged and found true:

(1) The defendant specifically intended to kill the peace officer.

(2) The defendant specifically intended to inflict great bodily injury, as defined in Section 12022.7, on a peace officer.

(3) The defendant personally used a dangerous or deadly weapon in the commission of the offense, in violation of subdivision (b) of Section 12022.

(4) The defendant personally used a firearm in the commission of the offense, in violation of Section 12022.5.

(d) Every person guilty of murder in the second degree shall ~~suffer confinement be punished by imprisonment~~ *be punished by imprisonment* in the state prison for a term of 20 years to life if the killing was perpetrated by means of shooting a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict great bodily injury.

(e) Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall not apply to reduce any minimum term of a sentence imposed pursuant to this section. A person sentenced pursuant to this section shall not be released on parole prior to serving the minimum term of confinement prescribed by this section.

Proposition 20: Text of Proposed Law

This law proposed by Assembly Bill 1453 of the 1997–98 Regular Session (Chapter 800, Statutes of 1998) is submitted to the people in accordance with the provisions of Section 10 of Article II of the California Constitution.

This proposed law amends a section of the Government Code; existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. This act shall be known and referred to as the "Cardenas Textbook Act of 2000."

SEC. 2. Section 8880.4 of the Government Code is amended to read:

8880.4. Revenues of the state lottery shall be allocated as follows:

(a) Not less than 84 percent of the total annual revenues from the sale of state lottery tickets or shares shall be returned to the public in the form of prizes and net revenues to benefit public education.

(1) Fifty percent of the total annual revenues shall be returned to the public in the form of prizes as described in this chapter.

(2) At least 34 percent of the total annual revenues shall be allocated to the benefit of public education, as specified in Section 8880.5. *However, for the 1998–99 fiscal year and each fiscal year thereafter, 50*

percent of any increase in the amount calculated pursuant to this paragraph from the amount calculated in the 1997–98 fiscal year shall be allocated to school districts and community college districts for the purchase of instructional materials, on the basis of an equal amount per unit of average daily attendance, as defined by law, and through a fair and equitable distribution system across grade levels.

(3) All unclaimed prize money shall revert to the benefit of public education, as provided for in subdivision (e) of Section 8880.32.

(4) All of the interest earned upon funds held in the State Lottery Fund shall be allocated to the benefit of public education, as specified in Section 8880.5. This interest is in addition to, and shall not be considered as any part of, the 34 percent of the total annual revenues that is required to be allocated for the benefit of public education as specified in paragraph (2).

(5) No more than 16 percent of the total annual revenues shall be allocated for payment of expenses of the lottery as described in this chapter. To the extent that expenses of the lottery are less than 16 percent of the total annual revenues, any surplus funds also shall be allocated to the benefit of public education, as specified in this section or in Section 8880.5.

(b) Funds allocated for the benefit of public education pursuant to subdivision (a) are in addition to other funds appropriated or required under existing constitutional reservations for educational purposes. No

program shall have the amount appropriated to support that program reduced as a result of funds allocated pursuant to subdivision (a). Funds allocated for the benefit of public education pursuant to subdivision (a) shall not supplant funds committed for child development programs.

(c) None of the following shall be considered revenues for the purposes of this section:

(1) Revenues recorded as a result of a nonmonetary exchange. "Nonmonetary exchange" means a reciprocal transfer, in compliance with generally accepted accounting principles, between the lottery and another entity that results in the lottery acquiring assets or services and the lottery providing assets or services.

(2) Reimbursements received by the lottery for the cost of goods or services provided by the lottery that are less than or equal to the cost of the same goods or services provided by the lottery.

(d) Reimbursements received in excess of the cost of the same goods and services provided by the lottery, as specified in paragraph (2) of subdivision (c), are not a part of the 34 percent of total annual revenues required to be allocated for the benefit of public education, as specified in paragraph (2) of subdivision (a). However, this amount shall be allocated for the benefit of public education as specified in Section 8880.5.

Proposition 21: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends, repeals, and adds sections to the Penal Code and the Welfare and Institutions Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. SHORT TITLE.

This act shall be known, and may be cited, as the Gang Violence and Juvenile Crime Prevention Act of 1998.

SEC. 2. FINDINGS AND DECLARATIONS.

The people find and declare each of the following:

(a) While overall crime is declining, juvenile crime has become a larger and more ominous threat. The United States Department of Justice reported in 1996 that juvenile arrests for serious crimes grew by 46 percent from 1983 to 1992, while murders committed by juveniles more than doubled. According to the California Department of Justice, the rate at which juveniles were arrested for violent offenses rose 54 percent between 1986 and 1995.

(b) Criminal street gangs and gang-related violence pose a significant threat to public safety and the health of many of our communities. Criminal street gangs have become more violent, bolder, and better organized in recent years. Some gangs, like the Los Angeles-based 18th Street Gang and the Mexican Mafia are properly analyzed as organized crime groups, rather than as mere street gangs. A 1996 series in the Los Angeles Times chronicled the serious negative impact the 18th Street Gang has had on neighborhoods where it is active.

(c) Vigorous enforcement and the adoption of more meaningful criminal sanctions, including the voter-approved "Three Strikes" law, Proposition 184, has resulted in a substantial and consistent four year decline in overall crime. Violent juvenile crime has proven most resistant to this positive trend.

(d) The problem of youth and gang violence will, without active intervention, increase, because the juvenile population is projected to grow substantially by the next decade. According to the California Department of Finance, the number of juveniles in the crime-prone ages between 12 and 17, until recently long stagnant, is expected to rise 36 percent between 1997 and 2007 (an increase of more than one million juveniles). Although illegal drug use among high school seniors had declined significantly during the 1980s, it began rising in 1992. Juvenile arrest rates for weapons-law violations increased 103 percent between 1985 and 1994, while juvenile killings with firearms quadrupled between 1984 and 1994. Handguns were used in two-thirds of the youth homicides involving guns over a 15-year span. In 1994, 82 percent of juvenile murderers used guns. The number of juvenile homicide offenders in 1994 was approximately 2,800, nearly triple the number in 1984. In addition, juveniles tend to murder strangers at disproportionate rates. A murderer is more likely to be 17 years old than any other age, at the time that the offense was committed.

(e) In 1995, California's adult arrest rate was 2,245 per 100,000 adults, while the juvenile arrest rate among 10 to 17-year-olds was 2,430 per 100,000 juveniles.

(f) Data regarding violent juvenile offenders must be available to the adult criminal justice system if recidivism by criminals is to be addressed adequately.

(g) Holding juvenile proceedings in secret denies victims of crime the opportunity to attend and be heard at such proceedings, helps juvenile offenders to avoid accountability for their actions, and shields juvenile proceedings from public scrutiny and accountability.

(h) Gang-related crimes pose a unique threat to the public because of gang members' organization and solidarity. Gang-related felonies should result in severe penalties. Life without the possibility of parole or death should be available for murderers who kill as part of any gang-related activity.

(i) The rehabilitative/treatment juvenile court philosophy was

adopted at a time when most juvenile crime consisted of petty offenses. The juvenile justice system is not well-equipped to adequately protect the public from violent and repeat serious juvenile offenders.

(j) Juvenile court resources are spent disproportionately on violent offenders with little chance to be rehabilitated. If California is going to avoid the predicted wave of juvenile crime in the next decade, greater resources, attention, and accountability must be focused on less serious offenders, such as burglars, car thieves, and first time non-violent felons who have potential for rehabilitation. This act must form part of a comprehensive juvenile justice reform package which incorporates major commitments to already commenced "at-risk" youth early intervention programs and expanded informal juvenile court alternatives for low-level offenders. These efforts, which emphasize rehabilitative protocols over incarceration, must be expanded as well under the provisions of this act, which requires first time, non-violent juvenile felons to appear in court, admit guilt for their offenses, and be held accountable, but also be given a non-custodial opportunity to demonstrate through good conduct and compliance with a court-monitored treatment and supervision program that the record of the juvenile's offense should justly be expunged.

(k) Dramatic changes are needed in the way we treat juvenile criminals, criminal street gangs, and the confidentiality of the juvenile records of violent offenders if we are to avoid the predicted, unprecedented surge in juvenile and gang violence. Californians deserve to live without fear of violent crime and to enjoy safe neighborhoods, parks, and schools. This act addresses each of these issues with the goal of creating a safer California, for ourselves and our children, in the Twenty-First Century.

SEC. 3. Section 182.5 is added to the Penal Code, to read:

182.5. Notwithstanding subdivisions (a) or (b) of Section 182, any person who actively participates in any criminal street gang, as defined in subdivision (f) of Section 186.22, with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, as defined in subdivision (e) of Section 186.22, and who willfully promotes, furthers, assists, or benefits from any felonious criminal conduct by members of that gang is guilty of conspiracy to commit that felony and may be punished as specified in subdivision (a) of Section 182.

SEC. 4. Section 186.22 of the Penal Code is amended to read:

186.22. (a) Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, or two or three years.

(b) (1) Except as provided in paragraph (4) and (5), any person who is convicted of a felony committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of ~~one, two, or three~~ *two, three, or four* years at the court's discretion, *except that if the felony is a serious felony, as defined in subdivision (c) of Section 1192.7, the person shall be punished by an additional term of five years. If the felony is a violent felony, as defined in subdivision (c) of Section 667.5, the person shall be punished by an additional term of 10 years.*

(2) If the underlying felony described in paragraph (1) is committed on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school-related programs or when minors are using the facility, ~~the additional term shall be two, three, or four years, at the court's discretion that fact shall be a circumstance in aggravation of the crime in imposing a term under paragraph (1).~~

(3) The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentencing enhancements on the record at the time of the sentencing.

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(4) Any person who is convicted of a felony enumerated in this paragraph committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, be sentenced to an indeterminate term of life imprisonment with a minimum term of the indeterminate sentence calculated as the greater of:

(A) The term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period prescribed by Section 3046, if the felony is any of the offenses enumerated in subparagraphs (B) or (C) of this paragraph.

(B) Imprisonment in the state prison for 15 years, if the felony is a home invasion robbery, in violation of subparagraph (A) of paragraph (1) of subdivision (a) of Section 213; carjacking, as defined in Section 215; a felony violation of Section 246; or a violation of Section 12022.55.

(C) Imprisonment in the state prison for seven years, if the felony is extortion, as defined in Section 519; or threats to victims and witnesses, as defined in Section 136.1.

(4) (5) Except as provided in paragraph (4), Any any person who violates this subdivision in the commission of a felony punishable by imprisonment in the state prison for life, shall not be paroled until a minimum of 15 calendar years have been served.

(5) Any person convicted under this section, who is also convicted of a felony violation of Section 136.1, which violation is accompanied by a credible threat of violence or death made to the victim or witness to a violent felony, as defined in subdivision (e) of Section 667.5, shall receive, in addition to the penalties provided in paragraph (1) or (2) of this subdivision, an additional consecutive penalty of three years imprisonment. The penalty under this paragraph shall only be imposed if the credible threat of violence or death was made to prevent or dissuade the witness or victim from attending or giving testimony at any trial for a violent felony, as defined in subdivision (e) of Section 667.5. For purposes of this paragraph, the following terms have the following meanings:

(A) "Credible threat" means a threat made with the intent and apparent ability to carry out the threat so as to cause the target of the threat to reasonably fear for his or her safety or the safety of a third person.

(B) "Threat of violence" means a threat to commit a violent felony, as defined in subdivision (e) of Section 667.5.

(C) If the court grants probation or suspends the execution of sentence imposed upon the defendant for a violation of subdivision (a), or in cases involving a true finding of the enhancement enumerated in subdivision (b), the court shall require that the defendant serve a minimum of 180 days in a county jail as a condition thereof.

(d) Notwithstanding any other law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(d) Any person who is convicted of a public offense punishable as a felony or a misdemeanor, which is committed for the benefit of, at the direction of or in association with, any criminal street gang with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days. If the court grants probation or suspends the execution of sentence imposed upon the defendant, it shall require as a condition thereof that the defendant serve 180 days in county jail.

(e) As used in this chapter, "pattern of criminal gang activity" means the commission of, attempted commission of, conspiracy to commit, or solicitation of, sustained juvenile petition for, or conviction of two or more of the following offenses, provided at least one of these offenses occurred after the effective date of this chapter and the last of those offenses occurred within three years after a prior offense, and the offenses were committed on separate occasions, or by two or more persons:

(1) Assault with a deadly weapon or by means of force likely to produce great bodily injury, as defined in Section 245.

(2) Robbery, as defined in Chapter 4 (commencing with Section 211) of Title 8 of Part 1.

(3) Unlawful homicide or manslaughter, as defined in Chapter 1 (commencing with Section 187) of Title 8 of Part 1.

(4) The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled substances as defined in Sections 11054, 11055, 11056, 11057, and 11058 of the Health and Safety Code.

(5) Shooting at an inhabited dwelling or occupied motor vehicle, as defined in Section 246.

(6) Discharging or permitting the discharge of a firearm from a motor vehicle, as defined in subdivisions (a) and (b) of Section 12034.

(7) Arson, as defined in Chapter 1 (commencing with Section 450) of Title 13.

(8) The intimidation of witnesses and victims, as defined in Section 136.1.

(9) Grand theft, as defined in subdivisions (a) or (c) of Section 487; when the value of the money, labor, or real or personal property taken exceeds ten thousand dollars (\$10,000).

(10) Grand theft of any firearm, vehicle, trailer, or vessel; as described in Section 487h.

(11) Burglary, as defined in Section 459.

(12) Rape, as defined in Section 261.

(13) Looting, as defined in Section 463.

(14) Moneylaundering, as defined in Section 186.10.

(15) Kidnapping, as defined in Section 207.

(16) Mayhem, as defined in Section 203.

(17) Aggravated mayhem, as defined in Section 205.

(18) Torture, as defined in Section 206.

(19) Felony extortion, as defined in Sections 518 and 520.

(20) Felony vandalism, as defined in paragraph (1) of subdivision (b) of Section 594.

(21) Carjacking, as defined in Section 215.

(22) The sale, delivery, or transfer of a firearm, as defined in Section 12072.

(23) Possession of a pistol, revolver, or other firearm capable of being concealed upon the person in violation of paragraph (1) of subdivision (a) of Section 12101.

(24) Threats to commit crimes resulting in death or great bodily injury, as defined in Section 422.

(25) Theft and unlawful taking or driving of a vehicle, as defined in Section 10851 of the Vehicle Code.

(f) As used in this chapter, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (23) (25), inclusive, of subdivision (e), having a common name or common identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(g) Notwithstanding any other law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(h) Notwithstanding any other provision of law, for each person committed to the Youth Authority for a conviction pursuant to subdivision (a) or (b) of this section, the offense shall be deemed one for which the state shall pay the rate of 100 percent of the per capita institutional cost of the Department of Youth Authority, pursuant to Section 912.5 of the Welfare and Institutions Code.

(i) In order to secure a conviction, or sustain a juvenile petition, pursuant to subdivision (a), it is not necessary for the prosecution to prove that the person devotes all, or a substantial part of his or her time or efforts to the criminal street gang, nor is it necessary to prove that the person is a member of the criminal street gang. Active participation in the criminal street gang is all that is required.

SEC. 5. Section 186.26 of the Penal Code is repealed.

186.26. (a) Any adult who utilizes physical violence to coerce, induce, or solicit another person who is under 18 years of age to actively participate in any criminal street gang, as defined in subdivision (f) of Section 186.22, the members of which engage in a pattern of criminal gang activity, as defined in subdivision (e) of Section 186.22, shall be punished by imprisonment in the state prison for one, two, or three years.

(b) Any adult who threatens a minor with physical violence on two or more separate occasions within any 30-day period with the intent to coerce, induce, or solicit the minor to actively participate in a criminal street gang, as defined in subdivision (f) of Section 186.22, the members of which engage in a pattern of criminal gang activity, as defined in subdivision (e) of Section 186.22, shall be punished by imprisonment in the state prison for one, two, or three years or in a county jail for up to one year.

(c) A minor who is 16 years of age or older who commits an offense described in subdivision (a) or (b) is guilty of a misdemeanor.

(d) Nothing in this section shall be construed to limit prosecution under any other provision of the law.

(e) No person shall be convicted of violating this section based upon speech alone, except upon a showing that the speech itself threatened violence against a specific person; that the defendant had the apparent

ability to carry out the threat, and that physical harm was imminently likely to occur.

SEC. 6. Section 186.26 is added to the Penal Code, to read:

186.26. (a) Any person who solicits or recruits another to actively participate in a criminal street gang, as defined in subdivision (f) of Section 186.22, with the intent that the person solicited or recruited participate in a pattern of criminal street gang activity, as defined in subdivision (e) of Section 186.22, or with the intent that the person solicited or recruited promote, further, or assist in any felonious conduct by members of the criminal street gang, shall be punished by imprisonment in the state prison for 16 months, or two or three years.

(b) Any person who threatens another person with physical violence on two or more separate occasions within any 30-day period with the intent to coerce, induce, or solicit any person to actively participate in a criminal street gang, as defined in subdivision (f) of Section 186.22, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) Any person who uses physical violence to coerce, induce, or solicit another person to actively participate in any criminal street gang, as defined in subdivision (f) of Section 186.22, or to prevent the person from leaving a criminal street gang, shall be punished by imprisonment in the state prison for three, four or five years.

(d) If the person solicited, recruited, coerced, or threatened pursuant to subdivision (a), (b), or (c) is a minor, an additional term of three years shall be imposed in addition and consecutive to the penalty prescribed for a violation of any of these subdivisions.

(e) Nothing in this section shall be construed to limit prosecution under any other provision of law.

SEC. 7. Section 186.30 is added to the Penal Code, to read:

186.30. (a) Any person described in subdivision (b) shall register with the chief of police of the city in which he or she resides, or the sheriff of the county if he or she resides in an unincorporated area, within 10 days of release from custody or within 10 days of his or her arrival in any city, county, or city and county to reside there, whichever occurs first.

(b) Subdivision (a) shall apply to any person convicted in a criminal court or who has had a petition sustained in a juvenile court in this state for any of the following offenses:

(1) Subdivision (a) of Section 186.22.

(2) Any crime where the enhancement specified in subdivision (b) of Section 186.22 is found to be true.

(3) Any crime that the court finds is gang related at the time of sentencing or disposition.

SEC. 8. Section 186.31 is added to the Penal Code, to read:

186.31. At the time of sentencing in adult court, or at the time of the dispositional hearing in the juvenile court, the court shall inform any person subject to Section 186.30 of his or her duty to register pursuant to that section. This advisement shall be noted in the court minute order. The court clerk shall send a copy of the minute order to the law enforcement agency with jurisdiction for the last known address of the person subject to registration under Section 186.30. The parole officer or the probation officer assigned to that person shall verify that he or she has complied with the registration requirements of Section 186.30.

SEC. 9. Section 186.32 is added to the Penal Code, to read:

186.32. (a) The registration required by Section 186.30 shall consist of the following:

(1) Juvenile registration shall include the following:

(A) The juvenile shall appear at the law enforcement agency with a parent or guardian.

(B) The law enforcement agency shall serve the juvenile and the parent with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the juvenile belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22.

(C) A written statement signed by the juvenile, giving any information that may be required by the law enforcement agency, shall be submitted to the law enforcement agency.

(D) The fingerprints and current photograph of the juvenile shall be submitted to the law enforcement agency.

(2) Adult registration shall include the following:

(A) The adult shall appear at the law enforcement agency.

(B) The law enforcement agency shall serve the adult with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the adult belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22.

(C) A written statement, signed by the adult, giving any information that may be required by the law enforcement agency, shall be submitted to the law enforcement agency.

(D) The fingerprints and current photograph of the adult shall be submitted to the law enforcement agency.

(b) Within 10 days of changing his or her residence address, any person subject to Section 186.30 shall inform, in writing, the law enforcement agency with whom he or she last registered of his or her new

address. If his or her new residence address is located within the jurisdiction of a law enforcement agency other than the agency where he or she last registered, he or she shall register with the new law enforcement agency, in writing, within 10 days of the change of residence.

(c) All registration requirements set forth in this article shall terminate five years after the last imposition of a registration requirement pursuant to Section 186.30.

(d) The statements, photographs and fingerprints required under this section shall not be open to inspection by any person other than a regularly employed peace or other law enforcement officer.

(e) Nothing in this section or Section 186.30 or 186.31 shall preclude a court in its discretion from imposing the registration requirements as set forth in those sections in a gang-related crime.

SEC. 10. Section 186.33 is added to the Penal Code, to read:

186.33. (a) Any person required to register pursuant to Section 186.30 who knowingly violates any of its provisions is guilty of a misdemeanor.

(b) (1) Any person who knowingly fails to register pursuant to Section 186.30 and is subsequently convicted of, or any person for whom a petition is subsequently sustained for a violation of, any of the offenses specified in Section 186.30, shall be punished by an additional term of imprisonment in the state prison for 16 months, or 2, or 3 years. The court shall order imposition of the middle term unless there are circumstances in aggravation or mitigation. The court shall state its reasons for the enhancement choice on the record at the time of sentencing.

(2) The existence of any fact bringing a person under this subdivision shall be alleged in the information, indictment, or petition, and be either admitted by the defendant or minor in open court, or found to be true or not true by the trier of fact.

SEC. 11. Section 190.2 of the Penal Code is amended to read:

190.2. (a) The penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in the state prison for life without the possibility of parole if one or more of the following special circumstances has been found under Section 190.4 to be true:

(1) The murder was intentional and carried out for financial gain.

(2) The defendant was convicted previously of murder in the first or second degree. For the purpose of this paragraph, an offense committed in another jurisdiction, which if committed in California would be punishable as first or second degree murder, shall be deemed murder in the first or second degree.

(3) The defendant, in this proceeding, has been convicted of more than one offense of murder in the first or second degree.

(4) The murder was committed by means of a destructive device, bomb, or explosive planted, hidden, or concealed in any place, area, dwelling, building, or structure, and the defendant knew, or reasonably should have known, that his or her act or acts would create a great risk of death to one or more human beings.

(5) The murder was committed for the purpose of avoiding or preventing a lawful arrest, or perfecting or attempting to perfect, an escape from lawful custody.

(6) The murder was committed by means of a destructive device, bomb, or explosive that the defendant mailed or delivered, attempted to mail or deliver, or caused to be mailed or delivered, and the defendant knew, or reasonably should have known, that his or her act or acts would create a great risk of death to one or more human beings.

(7) The victim was a peace officer, as defined in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, 830.4, 830.5, 830.6, 830.10, 830.11, or 830.12, who, while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of his or her duties; or the victim was a peace officer, as defined in the above-enumerated sections, or a former peace officer under any of those sections, and was intentionally killed in retaliation for the performance of his or her official duties.

(8) The victim was a federal law enforcement officer or agent who, while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew, or reasonably should have known, that the victim was a federal law enforcement officer or agent engaged in the performance of his or her duties; or the victim was a federal law enforcement officer or agent, and was intentionally killed in retaliation for the performance of his or her official duties.

(9) The victim was a firefighter, as defined in Section 245.1, who, while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew, or reasonably should have known, that the victim was a firefighter engaged in the performance of his or her duties.

(10) The victim was a witness to a crime who was intentionally killed for the purpose of preventing his or her testimony in any criminal or juvenile proceeding, and the killing was not committed during the commission or attempted commission, of the crime to which he or she was a witness; or the victim was a witness to a crime and was intentionally killed in retaliation for his or her testimony in any

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criminal or juvenile proceeding. As used in this paragraph, "juvenile proceeding" means a proceeding brought pursuant to Section 602 or 707 of the Welfare and Institutions Code.

(11) The victim was a prosecutor or assistant prosecutor or a former prosecutor or assistant prosecutor of any local or state prosecutor's office in this or any other state, or of a federal prosecutor's office, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.

(12) The victim was a judge or former judge of any court of record in the local, state, or federal system in this or any other state, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.

(13) The victim was an elected or appointed official or former official of the federal government, or of any local or state government of this or any other state, and the killing was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.

(14) The murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity. As used in this section, the phrase "especially heinous, atrocious, or cruel, manifesting exceptional depravity" means a conscienceless or pitiless crime that is unnecessarily torturous to the victim.

(15) The defendant intentionally killed the victim while lying in wait.

(16) The victim was intentionally killed because of his or her race, color, religion, nationality, or country of origin.

(17) The murder was committed while the defendant was engaged in, or was an accomplice in, the commission of, attempted commission of, or the immediate flight after committing, or attempting to commit, the following felonies:

- (A) Robbery in violation of Section 211 or 212.5.
 - (B) Kidnapping in violation of Section 207, 209, or 209.5.
 - (C) Rape in violation of Section 261.
 - (D) Sodomy in violation of Section 286.
 - (E) The performance of a lewd or lascivious act upon the person of a child under the age of 14 years in violation of Section 288.
 - (F) Oral copulation in violation of Section 288a.
 - (G) Burglary in the first or second degree in violation of Section 460.
 - (H) Arson in violation of subdivision (b) of Section 451.
 - (I) Train wrecking in violation of Section 219.
 - (J) Mayhem in violation of Section 203.
 - (K) Rape by instrument in violation of Section 289.
 - (L) Carjacking, as defined in Section 215.
- (18) The murder was intentional and involved the infliction of torture.

(19) The defendant intentionally killed the victim by the administration of poison.

(20) The victim was a juror in any court of record in the local, state, or federal system in this or any other state, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.

(21) The murder was intentional and perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person or persons outside the vehicle with the intent to inflict death. For purposes of this paragraph, "motor vehicle" means any vehicle as defined in Section 415 of the Vehicle Code.

(22) *The defendant intentionally killed the victim while the defendant was an active participant in a criminal street gang, as defined in subdivision (f) of Section 186.22, and the murder was carried out to further the activities of the criminal street gang.*

(b) Unless an intent to kill is specifically required under subdivision (a) for a special circumstance enumerated therein, an actual killer, as to whom the special circumstance has been found to be true under Section 190.4, need not have had any intent to kill at the time of the commission of the offense which is the basis of the special circumstance in order to suffer death or confinement in the state prison for life without the possibility of parole.

(c) Every person, not the actual killer, who, with the intent to kill, aids, abets, counsels, commands, induces, solicits, requests, or assists any actor in the commission of murder in the first degree shall be punished by death or imprisonment in the state prison for life without the possibility of parole if one or more of the special circumstances enumerated in subdivision (a) has been found to be true under Section 190.4.

(d) Notwithstanding subdivision (c), every person, not the actual killer, who, with reckless indifference to human life and as a major participant, aids, abets, counsels, commands, induces, solicits, requests, or assists in the commission of a felony enumerated in paragraph (17) of subdivision (a) which results in the death of some person or persons, and who is found guilty of murder in the first degree therefor, shall be punished by death or imprisonment in the state prison for life without the possibility of parole if a special circumstance enumerated in paragraph (17) of subdivision (a) has been found to be true under Section 190.4.

The penalty shall be determined as provided in this section and Sections 190.1, 190.3, 190.4, and 190.5.

SEC. 12. Section 594 of the Penal Code, as amended by Section 1.5 of Chapter 853 of the Statutes of 1998, is amended to read:

594. (a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

- (1) Defaces with graffiti or other inscribed material.
- (2) Damages.
- (3) Destroys.

Whenever a person violates this subdivision with respect to real property, vehicles, signs, fixtures, furnishings, or furnishings property belonging to any public entity, as defined by Section 811.2 of the Government Code, or the federal government, it shall be a permissive inference that the person neither owned the property nor had the permission of the owner to deface, damage, or destroy the property.

(b) (1) If the amount of defacement, damage, or destruction is ~~five thousand dollars (\$50,000)~~ *four hundred dollars (\$400)* or more, vandalism is punishable by imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than ~~ten thousand dollars (\$10,000)~~ *ten thousand dollars (\$10,000)*, or if the amount of defacement, damage, or destruction is ~~ten thousand dollars (\$10,000)~~ *ten thousand dollars (\$10,000)* or more, by a fine of not more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

(2) ~~If the amount of defacement, damage, or destruction is five thousand dollars (\$5,000) or more but less than fifty thousand dollars (\$50,000), vandalism is punishable by imprisonment in the state prison, or in a county jail not exceeding one year, or by a fine of not more than ten thousand dollars (\$10,000); or by both that fine and imprisonment.~~

(3) ~~If the amount of defacement, damage, or destruction is four hundred dollars (\$400) or more but less than five thousand dollars (\$5,000), vandalism is punishable by imprisonment in a county jail not exceeding one year, or by a fine of five thousand dollars (\$5,000); or by both that fine and imprisonment.~~

(4) (A) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), vandalism is punishable by imprisonment in a county jail ~~for not more than six months not exceeding one year~~, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(B) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), and the defendant has been previously convicted of vandalism or affixing graffiti or other inscribed material under Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7, vandalism is punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment.

(c) (1) Upon conviction of any person under this section for acts of vandalism consisting of defacing property with graffiti or other inscribed materials, the court may, in addition to any punishment imposed under subdivision (b), order the defendant to clean up, repair, or replace the damaged property himself or herself, or, if the jurisdiction has adopted a graffiti abatement program, order the defendant, and his or her parents or guardians if the defendant is a minor, to keep the damaged property or another specified property in the community free of graffiti for up to one year. Participation of a parent or guardian is not required under this subdivision if the court deems this participation to be detrimental to the defendant, or if the parent or guardian is a single parent who must care for young children.

(2) Any city, county, or city and county may enact an ordinance that provides for all of the following:

(A) That upon conviction of any person pursuant to this section for acts of vandalism, the court may, in addition to any punishment imposed under subdivision (b), provided that the court determines that the defendant has the ability to pay any law enforcement costs not exceeding two hundred fifty dollars (\$250), order the defendant to pay all or part of the costs not to exceed two hundred fifty dollars (\$250) incurred by a law enforcement agency in identifying and apprehending the defendant. The law enforcement agency shall provide evidence of, and bear the burden of establishing, the reasonable costs that it incurred in identifying and apprehending the defendant.

(B) The law enforcement costs authorized to be paid pursuant to this subdivision are in addition to any other costs incurred or recovered by the law enforcement agency, and payment of these costs does not in any way limit, preclude, or restrict any other right, remedy, or action otherwise available to the law enforcement agency.

(d) If a minor is personally unable to pay a fine levied for acts prohibited by this section, the parent of that minor shall be liable for payment of the fine. A court may waive payment of the fine, or any part thereof, by the parent upon a finding of good cause.

(e) As used in this section, the term "graffiti or other inscribed material" includes any unauthorized inscription, word, figure, mark, or design, that is written, marked, etched, scratched, drawn, or painted on real or personal property.

(f) As used in this section, "graffiti abatement program" means a program adopted by a city, county, or city and county by resolution or ordinance that provides for the administration and financing of graffiti removal, community education on the prevention of graffiti, and enforcement of graffiti laws.

(g) The court may order any person ordered to perform community service or graffiti removal pursuant to paragraph (1) of subdivision (c) to undergo counseling.

(h) No amount paid by a defendant in satisfaction of a criminal matter shall be applied in satisfaction of the law enforcement costs that may be imposed pursuant to this section until all outstanding base fines, state and local penalty assessments, restitution orders, and restitution fines have been paid.

(i) This section shall remain in effect until January 1, 2002, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2002, deletes or extends that date.

SEC. 12.5. Section 594 of the Penal Code, as added by Section 1.6 of Chapter 853 of the Statutes of 1998, is amended to read:

594. (a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

- (1) Defaces with graffiti or other inscribed material.
- (2) Damages.
- (3) Destroys.

Whenever a person violates this subdivision with respect to real property, vehicles, signs, fixtures, ~~furnishings~~, or ~~furnishings~~ property belonging to any public entity, as defined by Section 811.2 of the Government Code, or the federal government, it shall be a permissive inference that the person neither owned the property nor had the permission of the owner to deface, damage, or destroy the property.

(b) (1) If the amount of defacement, damage, or destruction is ~~five thousand dollars (\$50,000)~~ *four hundred dollars (\$400)* or more, vandalism is punishable by imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than ~~ten thousand dollars (\$10,000)~~, *or if the amount of defacement, damage, or destruction is ten thousand dollars (\$10,000) or more, by a fine of not more than fifty thousand dollars (\$50,000)*, or by both that fine and imprisonment.

(2) ~~If the amount of defacement, damage, or destruction is five thousand dollars (\$5,000) or more but less than fifty thousand dollars (\$50,000), vandalism is punishable by imprisonment in the state prison, or in a county jail not exceeding one year, or by a fine of not more than ten thousand dollars (\$10,000), or by both that fine and imprisonment.~~

(3) ~~If the amount of defacement, damage, or destruction is four hundred dollars (\$400) or more but less than five thousand dollars (\$5,000), vandalism is punishable by imprisonment in a county jail not exceeding one year, or by a fine of five thousand dollars (\$5,000), or by both that fine and imprisonment.~~

(4) (A) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), vandalism is punishable by imprisonment in a county jail ~~for not more than six months not exceeding one year~~, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.

(B) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), and the defendant has been previously convicted of vandalism or affixing graffiti or other inscribed material under Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7, vandalism is punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment.

(c) Upon conviction of any person under this section for acts of vandalism consisting of defacing property with graffiti or other inscribed materials, the court may, in addition to any punishment imposed under subdivision (b), order the defendant to clean up, repair, or replace the damaged property himself or herself, or, if the jurisdiction has adopted a graffiti abatement program, order the defendant, and his or her parents or guardians if the defendant is a minor, to keep the damaged property or another specified property in the community free of graffiti for up to one year. Participation of a parent or guardian is not required under this subdivision if the court deems this participation to be detrimental to the defendant, or if the parent or guardian is a single parent who must care for young children.

(d) If a minor is personally unable to pay a fine levied for acts prohibited by this section, the parent of that minor shall be liable for payment of the fine. A court may waive payment of the fine, or any part thereof, by the parent upon a finding of good cause.

(e) As used in this section, the term "graffiti or other inscribed material" includes any unauthorized inscription, word, figure, mark, or design, that is written, marked, etched, scratched, drawn, or painted on real or personal property.

(f) As used in this section, "graffiti abatement program" means a program adopted by a city, county, or city and county by resolution or ordinance that provides for the administration and financing of graffiti removal, community education on the prevention of graffiti, and enforcement of graffiti laws.

(g) The court may order any person ordered to perform community service or graffiti removal pursuant to paragraph (1) of subdivision (c) to undergo counseling.

(h) This section shall become operative on January 1, 2002.

SEC. 13. Section 629.52 of the Penal Code is amended to read:

629.52. Upon application made under Section 629.50, the judge may enter an ex parte order, as requested or modified, authorizing interception of wire, electronic digital pager, or electronic cellular telephone communications *initially intercepted* within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines, on the basis of the facts submitted by the applicant, all of the following:

(a) There is probable cause to believe that an individual is committing, has committed, or is about to commit, one of the following offenses:

(1) Importation, possession for sale, transportation, manufacture, or sale of controlled substances in violation of Section 11351, 11351.5, 11352, *11370.6*, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code with respect to a substance containing heroin, cocaine, PCP, methamphetamine, or their analogs where the substance exceeds 10 gallons by liquid volume or three pounds of solid substance by weight.

(2) Murder, solicitation to commit murder, the commission of a crime involving the bombing of public or private property, or aggravated kidnapping, as specified in Section 209.

(3) *Any felony violation of Section 186.22.*

(4) Conspiracy to commit any of the above-mentioned crimes.

(b) There is probable cause to believe that particular communications concerning the illegal activities will be obtained through that interception, including, but not limited to, communications that may be utilized for locating or rescuing a kidnap victim.

(c) There is probable cause to believe that the facilities from which, or the place where, the wire, electronic digital pager, or electronic cellular telephone communications are to be intercepted are being used, or are about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by the person whose communications are to be intercepted.

(d) Normal investigative procedures have been tried and have failed or reasonably appear either to be unlikely to succeed if tried or to be too dangerous.

SEC. 14. Section 667.1 is added to the Penal Code, to read:

667.1. *Notwithstanding subdivision (h) of Section 667, for all offenses committed on or after the effective date of this act, all references to existing statutes in subdivisions (c) to (g), inclusive, of Section 667, are to those statutes as they existed on the effective date of this act, including amendments made to those statutes by this act.*

SEC. 15. Section 667.5 of the Penal Code is amended to read:

667.5. Enhancement of prison terms for new offenses because of prior prison terms shall be imposed as follows:

(a) Where one of the new offenses is one of the violent felonies specified in subdivision (c), in addition to and consecutive to any other prison terms therefor, the court shall impose a three-year term for each prior separate prison term served by the defendant where the prior offense was one of the violent felonies specified in subdivision (c). However, no additional term shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(b) Except where subdivision (a) applies, where the new offense is any felony for which a prison sentence is imposed, in addition and consecutive to any other prison terms therefor, the court shall impose a one-year term for each prior separate prison term served for any felony; provided that no additional term shall be imposed under this subdivision for any prison term served prior to a period of five years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(c) For the purpose of this section, "violent felony" ~~means shall mean~~ any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.

(3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.

(4) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(5) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(6) Lewd acts on a child under the age of 14 years as defined in Section 288.

(7) Any felony punishable by death or imprisonment in the state prison for life.

(8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461,

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or any felony in which the defendant uses a firearm which use has been charged and proved as provided in Section 12022.5, ~~12022.53~~, or 12022.55.

(9) Any robbery perpetrated in an inhabited dwelling house, vessel, as defined in Section 21 of the Harbors and Navigation Code, which is inhabited and designed for habitation, an inhabited floating home as defined in subdivision (d) of Section 18075.55 of the Health and Safety Code, an inhabited trailer coach, as defined in the Vehicle Code, or in the inhabited portion of any other building, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that robbery.

(10) Arson, in violation of subdivision (a) or (b) of Section 451.

(11) The offense defined in subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(12) Attempted murder.

(13) A violation of Section 12308, 12309, or 12310.

(14) Kidnapping, in violation of subdivision (b) of Section 207.

(15) Kidnapping, as punished in subdivision (b) of Section 208 ~~Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.~~

(16) Continuous sexual abuse of a child, in violation of Section 288.5.

(17) Carjacking, as defined in subdivision (a) of Section 215, if it is charged and proved that the defendant personally used a dangerous or deadly weapon as provided in subdivision (b) of Section 12022 in the commission of the carjacking.

(18) Any robbery of the first degree punishable pursuant to subparagraph (A) of paragraph (1) of subdivision (a) of Section 213.

(19) (18) A violation of Section 264.1.

(20) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22 of the Penal Code.

(21) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22 of the Penal Code.

(22) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.

(23) Any violation of Section 12022.53.

The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.

(d) For the purposes of this section, the defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody or until release on parole, whichever first occurs, including any time during which the defendant remains subject to reimprisonment for escape from custody or is reimprisoned on revocation of parole. The additional penalties provided for prior prison terms shall not be imposed unless they are charged and admitted or found true in the action for the new offense.

(e) The additional penalties provided for prior prison terms shall not be imposed for any felony for which the defendant did not serve a prior separate term in state prison.

(f) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense which, if committed in California, is punishable by imprisonment in the state prison if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under California law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(g) A prior separate prison term for the purposes of this section shall mean a continuous completed period of prison incarceration imposed for the particular offense alone or in combination with concurrent or consecutive sentences for other crimes, including any reimprisonment on revocation of parole which is not accompanied by a new commitment to prison, and including any reimprisonment after an escape from incarceration.

(h) Serving a prison term includes any confinement time in any state prison or federal penal institution as punishment for commission of an offense, including confinement in a hospital or other institution or facility credited as service of prison time in the jurisdiction of the confinement.

(i) For the purposes of this section, a commitment to the State Department of Mental Health as a mentally disordered sex offender following a conviction of a felony, which commitment exceeds one year in duration, shall be deemed a prior prison term.

(j) For the purposes of this section, when a person subject to the custody, control, and discipline of the Director of Corrections is incarcerated at a facility operated by the Department of the Youth

Authority, that incarceration shall be deemed to be a term served in state prison.

(k) Notwithstanding subdivisions (d) and (g) or any other provision of law, where one of the new offenses is committed while the defendant is temporarily removed from prison pursuant to Section 2690 or while the defendant is transferred to a community facility pursuant to Section 3416, 6253, or 6263, or while the defendant is on furlough pursuant to Section 6254, the defendant shall be subject to the full enhancements provided for in this section.

This subdivision shall not apply when a full, separate, and consecutive term is imposed pursuant to any other provision of law.

SEC. 16. Section 1170.125 is added to the Penal Code, to read:

1170.125. Notwithstanding Section 2 of Proposition 184, as adopted at the November 8, 1994 General Election, for all offenses committed on or after the effective date of this act, all references to existing statutes in Section 1170.12 are to those statutes as they existed on the effective date of this act, including amendments made to those statutes by this act.

SEC. 17. Section 1192.7 of the Penal Code is amended to read:

1192.7. (a) Plea bargaining in any case in which the indictment or information charges any serious felony, any felony in which it is alleged that a firearm was personally used by the defendant, or any offense of driving while under the influence of alcohol, drugs, narcotics, or any other intoxicating substance, or any combination thereof, is prohibited, unless there is insufficient evidence to prove the people's case, or testimony of a material witness cannot be obtained, or a reduction or dismissal would not result in a substantial change in sentence.

(b) As used in this section "plea bargaining" means any bargaining, negotiation, or discussion between a criminal defendant, or his or her counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.

(c) As used in this section, "serious felony" means any of the following:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under the age of 14 years; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any other felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) any burglary of the first degree of an inhabited dwelling house, or trailer coach as defined by the Vehicle Code, or inhabited portion of any other building; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Sections 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or penetration by a foreign object in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 12034; (37) intimidation of victims or witnesses, in violation of Section

136.1: (38) terrorist threats, in violation Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of Section 12022.53; and (20) (41) any conspiracy to commit an offense described in paragraph (24) as it applies to Section 11370.4 of the Health and Safety Code where the defendant conspirator was substantially involved in the planning, direction, or financing of the underlying offense this subdivision.

(d) As used in this section, "bank robbery" means to take or attempt to take, by force or violence, or by intimidation from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association.

As used in this subdivision, the following terms have the following meanings:

(1) "Bank" means any member of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, and any bank the deposits of which are insured by the Federal Deposit Insurance Corporation.

(2) "Savings and loan association" means any federal savings and loan association and any "insured institution" as defined in Section 401 of the National Housing Act, as amended, and any federal credit union as defined in Section 2 of the Federal Credit Union Act.

(3) "Credit union" means any federal credit union and any state-chartered credit union the accounts of which are insured by the Administrator of the National Credit Union administration.

(e) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

SEC. 18. Section 602 of the Welfare and Institutions Code is amended to read:

602. *Any (a) Except as provided in subdivision (b), any person who is under the age of 18 years when he or she violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court.*

(b) Any person who is alleged, when he or she was 14 years of age or older, to have committed one of the following offenses shall be prosecuted under the general law in a court of criminal jurisdiction:

(1) Murder, as described in Section 187 of the Penal Code, if one of the circumstances enumerated in subdivision (a) of Section 190.2 of the Penal Code is alleged by the prosecutor; and the prosecutor alleges that the minor personally killed the victim.

(2) The following sex offenses, if the prosecutor alleges that the minor personally committed the offense, and if the prosecutor alleges one of the circumstances enumerated in the One Strike law, subdivisions (d) or (e) of Section 667.61 of the Penal Code, applies:

(A) Rape, as described in paragraph (2) of subdivision (a) of Section 261 of the Penal Code.

(B) Spousal rape, as described in paragraph (1) of subdivision (a) of Section 262 of the Penal Code.

(C) Forcible sex offenses in concert with another, as described in Section 264.1 of the Penal Code.

(D) Forcible lewd and lascivious acts on a child under the age of 14 years, as described in subdivision (b) of Section 288 of the Penal Code.

(E) Forcible penetration by foreign object, as described in subdivision (a) of Section 289 of the Penal Code.

(F) Sodomy or oral copulation in violation of Section 286 or 288a of the Penal Code, by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(G) Lewd and lascivious acts on a child under the age of 14 years, as defined in subdivision (a) of Section 288, unless the defendant qualifies for probation under subdivision (c) of Section 1203.066 of the Penal Code.

SEC. 19. Section 602.5 is added to the Welfare and Institutions Code, to read:

602.5. *The juvenile court shall report the complete criminal history of any minor found to be a person adjudged to be a ward of the court under Section 602 because of the commission of any felony offense to the Department of Justice. The Department of Justice shall retain this information and make it available in the same manner as information gathered pursuant to Chapter 2 (commencing with Section 13100) of Title 3 of Part 4 of the Penal Code.*

SEC. 20. Section 625.3 of the Welfare and Institutions Code is amended to read:

625.3. Notwithstanding Section 625, a minor who is 14 years of age or older and who is taken into custody by a peace officer for the personal use of a firearm in the commission or attempted commission of a felony or any offense listed in subdivision (b) of Section 707 shall not be released until that minor is brought before a judicial officer.

SEC. 21. Section 629 of the Welfare and Institutions Code is amended to read:

629. (a) As a condition for the release of such minor, the probation officer may require such minor or his parent, guardian, or relative, or both, to sign a written promise that either or both of them will appear before the probation officer at the juvenile hall or other suitable place designated by the probation officer at a specified time.

(b) *A minor who is 14 years of age or older who is taken into custody by a peace officer for the commission or attempted commission of a felony offense shall not be released until the minor, his or her parent, guardian, or relative or both, have signed the written promise described in subdivision (a), or has been given an order to appear in the juvenile court at a date certain.*

SEC. 22. Section 654.3 of the Welfare and Institutions Code is amended to read:

654.3. No minor shall be eligible for the program of supervision set forth in Section 654 or 654.2 in the following cases, except in an unusual case where the interests of justice would best be served and the court specifies on the record the reasons for its decision:

(a) A petition alleges that the minor has violated an offense listed in subdivision (b) or (c) or paragraph (2) of subdivision (d) of Section 707.

(b) A petition alleges that the minor has sold or possessed for sale a controlled substance as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(c) A petition alleges that the minor has violated Section 11350 or 11377 of the Health and Safety Code where the violation takes place at a public or private elementary, vocational, junior high school, or high school, or a violation of Section 245.5, 626.9, or 626.10 of the Penal Code.

(d) A petition alleges that the minor has violated Section 186.22 of the Penal Code.

(e) The minor has previously participated in a program of supervision pursuant to Section 654.

(f) The minor has previously been adjudged a ward of the court pursuant to Section 602.

(g) A petition alleges that the minor has violated an offense in which the restitution owed to the victim exceeds one thousand dollars (\$1,000). For purposes of this subdivision, the definition of "victim" in paragraph (1) of subdivision (a) of Section 730.6 and "restitution" in subdivision (h) of Section 730.6 shall apply.

(h) The minor is alleged to have committed a felony offense when the minor was at least 14 years of age. Except in unusual cases where the court determines the interest of justice would best be served by a proceeding pursuant to Section 654 or 654.2, a petition alleging that a minor who is 14 years of age or over has committed a felony offense shall proceed under Article 20.5 (commencing with Section 790) or Article 17 (commencing with Section 675).

SEC. 23. Section 660 of the Welfare and Institutions Code is amended to read:

660. (a) Except as provided in subdivision (b), if the minor is detained, the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive that notice and copy of the petition pursuant to subdivision (e) of Section 656 and Section 658, either personally or by certified mail with request for return receipt, as soon as possible after filing of the petition and at least five days prior to the time set for hearing, unless the hearing is set less than five days from the filing of the petition, in which case, the notice and copy of the petition shall be served at least 24 hours prior to the time set for hearing.

(b) If the minor is detained, and all persons entitled to notice pursuant to subdivision (e) of Section 656 and Section 658 were present at the detention hearing, the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive the notice and copy of the petition, either personally or by first-class mail, as soon as possible after the filing of the petition and at least five days prior to the time set for hearing, unless the hearing is set less than five days from the filing of the petition, in which case the notice and copy of the petition shall be served at least 24 hours prior to the time set for the hearing.

(c) If the minor is not detained, the clerk of the juvenile court shall cause the notice and copy of the petition to be served on all persons required to receive the notice and copy of the petition, either personally or by first-class mail, at least 10 days prior to the time set for hearing. If that person is known to reside outside of the county, the clerk of the juvenile court shall mail the notice and copy of the petition, by first-class mail, to that person, as soon as possible after the filing of the petition and at least 10 days before the time set for hearing. Failure to respond to the notice shall in no way result in arrest or detention. In the instance of failure to appear after notice by first-class mail, the court shall direct that the notice and copy of the petition is to be personally served on all persons required to receive the notice and a copy of the petition. However, if the whereabouts of the minor are unknown, upon a showing that all reasonable efforts to locate the minor have failed or that the minor has willfully evaded service of process, personal service of the notice and a copy of the petition is not required and a warrant for the arrest of the minor may be issued pursuant to Section 663. Personal service of the notice and copy of the petition

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outside of the county at least 10 days before the time set for hearing is equivalent to service by first-class mail. Service may be waived by any person by a voluntary appearance entered in the minutes of the court or by a written waiver of service filed with the clerk of the court at or prior to the hearing.

(d) For purposes of this section, service on the minor's attorney shall constitute service on the minor's parent or legal guardian.

SEC. 24. Section 663 of the Welfare and Institutions Code is amended to read:

663. (a) Whenever a petition has been filed in the juvenile court alleging that a minor comes within the provisions of Section 601 or 602 of this code and praying for a hearing thereon, or whenever any subsequent petition has been filed praying for a hearing in the matter of the minor, a warrant of arrest may be issued immediately for the minor upon a showing that any one of the following conditions are satisfied:

(1) It appears to the court that the conduct and behavior of the minor may endanger the health, person, welfare, or property of himself or herself, or others, or that the circumstances of his or her home environment may endanger the health, person, welfare, or property of the minor.

(2) It appears to the court that either personal service upon the minor has been unsuccessful, or the whereabouts of the minor are unknown; and all reasonable efforts to locate and personally serve the minor have failed.

(3) It appears to the court that the minor has willfully evaded service of process.

(b) Nothing in this section shall be construed to limit the right of parents or guardians to receive the notice and a copy of the petition pursuant to Section 660.

SEC. 25. Section 676 of the Welfare and Institutions Code is amended to read:

676. (a) Unless requested by the minor concerning whom the petition has been filed and any parent or guardian present, the public shall not be admitted to a juvenile court hearing. Nothing in this section shall preclude the attendance of up to two family members of a prosecuting witness for the support of that witness, as authorized by Section 868.5 of the Penal Code. The judge or referee may nevertheless admit those persons he or she deems to have a direct and legitimate interest in the particular case or the work of the court. However, except as provided in subdivision (b), members of the public shall be admitted, on the same basis as they may be admitted to trials in a court of criminal jurisdiction, to hearings concerning petitions filed pursuant to Section 602 alleging that a minor is a person described in Section 602 by reason of the violation of any one of the following offenses:

- (1) Murder.
- (2) Arson of an inhabited building.
- (3) Robbery while armed with a dangerous or deadly weapon.
- (4) Rape with force or violence or threat of great bodily harm.
- (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (6) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (7) Any offense specified in subdivision (a) of Section 289 of the Penal Code.
- (8) Kidnapping for ransom.
- (9) Kidnapping for purpose of robbery.
- (10) Kidnapping with bodily harm.
- (11) Assault with intent to murder or attempted murder.
- (12) Assault with a firearm or destructive device.
- (13) Assault by any means of force likely to produce great bodily injury.

(14) Discharge of a firearm into an inhabited dwelling or occupied building.

(15) Any offense described in Section 1203.09 of the Penal Code.

(16) Any offense described in Section 12022.5 or 12022.53 of the Penal Code.

(17) Any felony offense in which a minor personally used a weapon listed in subdivision (a) of Section 12020 of the Penal Code.

(18) Burglary of an inhabited dwelling house or trailer coach, as defined in Section 635 of the Vehicle Code, or the inhabited portion of any other building, if the minor previously has been adjudged a ward of the court by reason of the commission of any offense listed in this section, including an offense listed in this paragraph.

(19) Any felony offense described in Section 136.1 or 137 of the Penal Code.

(20) Any offense as specified in Sections 11351, 11351.5, 11352, 11378, 11378.5, 11379, and 11379.5 of the Health and Safety Code.

(21) Criminal street gang activity which constitutes a felony pursuant to Section 186.22 of the Penal Code.

(22) Manslaughter as specified in Section 192 of the Penal Code.

(23) Driveby shooting or discharge of a weapon from or at a motor vehicle as specified in Sections 246, 247, and 12034 of the Penal Code.

(24) Any crime committed with an assault weapon, as defined in Section 12276 of the Penal Code, including possession of an assault

weapon as specified in subdivision (b) of Section 12280 of the Penal Code.

(25) Carjacking, while armed with a dangerous or deadly weapon.

(26) Kidnapping, in violation of Section 209.5 of the Penal Code.

(27) Torture, as described in Sections 206 and 206.1 of the Penal Code.

(28) Aggravated mayhem, in violation of Section 205 of the Penal Code.

(b) Where the petition filed alleges that the minor is a person described in Section 602 by reason of the commission of rape with force or violence or great bodily harm; sodomy by force, violence, duress, menace, or threat of great bodily harm; oral copulation by force, violence, duress, menace, or threat of great bodily harm; or any offense specified in Section 289 of the Penal Code, members of the public shall not be admitted to the hearing in either of the following instances:

(1) Upon a motion for a closed hearing by the district attorney, who shall make the motion if so requested by the victim.

(2) During the victim's testimony, if, at the time of the offense the victim was under 16 years of age.

(c) The name of a minor found to have committed one of the offenses listed in subdivision (a) shall not be confidential, unless the court, for good cause, so orders. *As used in this subdivision, "good cause" shall be limited to protecting the personal safety of the minor, a victim, or a member of the public. The court shall make a written finding, on the record, explaining why good cause exists to make the name of the minor confidential.*

(d) Notwithstanding Sections 827 and 828 and subject to subdivisions (e) and (f), when a petition is sustained for any offense listed in subdivision (a), the charging petition, the minutes of the proceeding, and the orders of adjudication and disposition of the court that are contained in the court file shall be available for public inspection. Nothing in this subdivision shall be construed to authorize public access to any other documents in the court file.

(e) The probation officer or any party may petition the juvenile court to prohibit disclosure to the public of any file or record. The juvenile court shall prohibit the disclosure if it appears that the harm to the minor, victims, witnesses, or public from the public disclosure outweighs the benefit of public knowledge. *However, the court shall not prohibit disclosure for the benefit of the minor unless the court makes a written finding that the reason for the prohibition is to protect the safety of the minor.*

(f) Nothing in this section shall be applied to limit the disclosure of information as otherwise provided for by law.

(g) *The juvenile court shall for each day that the court is in session, post in a conspicuous place which is accessible to the general public, a written list of hearings that are open to the general public pursuant to this section, the location of those hearings, and the time when the hearings will be held.*

SEC. 26. Section 707 of the Welfare and Institutions Code is amended to read:

707. (a) (1) In any case in which a minor is alleged to be a person described in Section 602 (a) by reason of the violation, when he or she was 16 years of age or older, of any criminal statute or ordinance except those listed in subdivision (b), upon motion of the petitioner made prior to the attachment of jeopardy the court shall cause the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor being considered for a determination of unfitness. Following submission and consideration of the report, and of any other relevant evidence which the petitioner or the minor may wish to submit, the juvenile court may find that the minor is not a fit and proper subject to be dealt with under the juvenile court law if it concludes that the minor would not be amenable to the care, treatment, and training program available through the facilities of the juvenile court, based upon an evaluation of the following criteria:

(1) The degree of criminal sophistication exhibited by the minor.

(2) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.

(3) The minor's previous delinquent history.

(4) Success of previous attempts by the juvenile court to rehabilitate the minor.

(5) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor.

A determination that the minor is not a fit and proper subject to be dealt with under the juvenile court law may be based on any one or a combination of the factors set forth above, which shall be recited in the order of unfitness. In any case in which a hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the fitness hearing, and no plea which may already have been entered shall constitute evidence at the hearing.

(2) *This paragraph shall apply to a minor alleged to be a person described in Section 602 by reason of the violation, when he or she has attained the age of 16 years, of any felony offense when the minor has been declared to be a ward of the court pursuant to Section 602 on one or more prior occasions if both of the following apply:*

(A) *The minor has previously been found to have committed two or more felony offenses.*

(B) *The offenses upon which the prior petition or petitions were based were committed when the minor had attained the age of 14 years.*

Upon motion of the petitioner made prior to the attachment of jeopardy the court shall cause the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor being considered for a determination of unfitness. Following submission and consideration of the report, and of any other relevant evidence that the petitioner or the minor may wish to submit, the minor shall be presumed to be not a fit and proper subject to be dealt with under the juvenile court law unless the juvenile court concludes, based upon evidence, which evidence may be of extenuating or mitigating circumstances that the minor would be amenable to the care, treatment, and training program available through the facilities of the juvenile court, based upon an evaluation of the following criteria:

(A) *The degree of criminal sophistication exhibited by the minor.*

(B) *Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.*

(C) *The minor's previous delinquent history.*

(D) *Success of previous attempts by the juvenile court to rehabilitate the minor.*

(E) *The circumstances and gravity of the offense alleged in the petition to have been committed by the minor.*

A determination that the minor is a fit and proper subject to be dealt with under the juvenile court law shall be based on a finding of amenability after consideration of the criteria set forth above, and findings therefor recited in the order as to each of the above criteria that the minor is fit and proper under each and every one of the above criteria. In making a finding of fitness, the court may consider extenuating and mitigating circumstances in evaluating each of the above criteria. In any case in which the hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the fitness hearing and no plea which may already have been entered shall constitute evidence at the hearing. If the minor is found to be a fit and proper subject to be dealt with under the juvenile court law pursuant to this subdivision, the minor shall be committed to placement in a juvenile hall, ranch camp, forestry camp, boot camp, or secure juvenile home pursuant to Section 730, or in any institution operated by the Youth Authority.

(3) *If, pursuant to this subdivision, the minor is found to be not a fit and proper subject for juvenile court treatment and is tried in a court of criminal jurisdiction and found guilty by the trier of fact, the judge may commit the minor to the Youth Authority in lieu of sentencing the minor to the state prison, unless the limitations specified in Section 1732.6 apply.*

(b) Subdivision (c) shall be applicable in any case in which a minor is alleged to be a person described in Section 602 by reason of the violation, when he or she was 16 years of age or older, of one of the following offenses:

(1) Murder.

(2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.

(3) Robbery while armed with a dangerous or deadly weapon.

(4) Rape with force or violence or threat of great bodily harm.

(5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.

(6) Lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.

(7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.

(8) Any offense specified in subdivision (a) of Section 289 of the Penal Code.

(9) Kidnapping for ransom.

(10) Kidnapping for purpose of robbery.

(11) Kidnapping with bodily harm.

(12) Attempted murder.

(13) Assault with a firearm or destructive device.

(14) Assault by any means of force likely to produce great bodily injury.

(15) Discharge of a firearm into an inhabited or occupied building.

(16) Any offense described in Section 1203.09 of the Penal Code.

(17) Any offense described in Section 12022.5 or 12022.53 of the Penal Code.

(18) Any felony offense in which the minor personally used a weapon listed in subdivision (a) of Section 12020 of the Penal Code.

(19) Any felony offense described in Section 136.1 or 137 of the Penal Code.

(20) Manufacturing, compounding, or selling one-half ounce or more of any salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.

(21) Any violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which would also constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.

(22) Escape, by the use of force or violence, from any county juvenile

hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 where great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.

(23) Torture as described in Sections 206 and 206.1 of the Penal Code.

(24) Aggravated mayhem, as described in Section 205 of the Penal Code.

(25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.

(26) Kidnapping, as punishable in subdivision (d) of Section 208 of the Penal Code.

(27) Kidnapping, as punishable in Section 209.5 of the Penal Code.

(28) The offense described in subdivision (c) of Section 12034 of the Penal Code.

(29) The offense described in Section 12308 of the Penal Code.

(30) Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.

(c) With regard to a minor alleged to be a person described in Section 602 by reason of the violation, when he or she was 16 1/2 years of age or older, of any of the offenses listed in subdivision (b), upon motion of the petitioner made prior to the attachment of jeopardy the court shall cause the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor being considered for a determination of unfitness. Following submission and consideration of the report, and of any other relevant evidence which the petitioner or the minor may wish to submit the minor shall be presumed to be not a fit and proper subject to be dealt with under the juvenile court law unless the juvenile court concludes, based upon evidence, which evidence may be of extenuating or mitigating circumstances, that the minor would be amenable to the care, treatment, and training program available through the facilities of the juvenile court based upon an evaluation of each of the following criteria:

(1) The degree of criminal sophistication exhibited by the minor.

(2) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.

(3) The minor's previous delinquent history.

(4) Success of previous attempts by the juvenile court to rehabilitate the minor.

(5) The circumstances and gravity of the offenses alleged in the petition to have been committed by the minor.

A determination that the minor is a fit and proper subject to be dealt with under the juvenile court law shall be based on a finding of amenability after consideration of the criteria set forth above, and findings therefor recited in the order as to each of the above criteria that the minor is fit and proper under each and every one of the above criteria. In making a finding of fitness, the court may consider extenuating or mitigating circumstances in evaluating each of the above criteria. In any case in which a hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the fitness hearing and no plea which may already have been entered shall constitute evidence at the hearing. *If, pursuant to this subdivision, the minor is found to be not a fit and proper subject for juvenile court treatment and is tried in a court of criminal jurisdiction and found guilty by the trier of fact, the judge may commit the minor to the Youth Authority in lieu of sentencing the minor to the state prison, unless the limitations specified in Section 1732.6 apply.*

(d) (1) In any case in which a minor is alleged to be a person described in Section 602 by reason of the violation, when he or she had attained the age of 14 years but had not attained the age of 16 years, of any of the offenses set forth in paragraph (2), upon motion of the petitioner made prior to the attachment of jeopardy the court shall cause the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor being considered for a determination of unfitness. Following submission and consideration of the report, and of any other relevant evidence that the petitioner or the minor may wish to submit, the juvenile court may find that the minor is not a fit and proper subject to be dealt with under the juvenile court law if it concludes that the minor would not be amenable to the care, treatment, and training program available through the facilities of the juvenile court, based upon an evaluation of the following criteria:

(A) *The degree of criminal sophistication exhibited by the minor.*

(B) *Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.*

(C) *The minor's previous delinquent history.*

(D) *Success of previous attempts by the juvenile court to rehabilitate the minor.*

(E) *The circumstances and gravity of the offense alleged in the petition to have been committed by the minor.*

A determination that the minor is not a fit and proper subject to be dealt with under the juvenile court law may be based on any one or a combination of the factors set forth above, which shall be recited in the order of unfitness. In any case in which the hearing has been noticed pursuant to this subdivision, the court shall postpone the taking of a

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plea to the petition until the conclusion of the fitness hearing, and no plea which may already have been entered shall constitute evidence at the hearing.

(2) Paragraph (1) shall be applicable in any case in which a minor is alleged to be a person described in Section 602 by reason of the violation, when he or she had attained the age of 14 years but had not attained the age of 16 years, of one of the following offenses:

- (A) Murder.
- (B) Robbery in which the minor personally used a firearm.
- (C) Rape with force or violence or threat of great bodily harm.
- (D) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (E) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (F) The offense specified in subdivision (a) of Section 289 of the Penal Code.
- (G) Kidnapping for ransom.
- (H) Kidnapping for purpose of robbery.
- (I) Kidnapping with bodily harm.
- (J) Kidnapping, as punishable in subdivision (d) of Section 208 of the Penal Code.
- (K) The offense described in subdivision (e) of Section 12034 of the Penal Code, in which the minor personally used a firearm.
- (L) Personally discharging a firearm into an inhabited or occupied building.
- (M) Manufacturing, compounding, or selling one-half ounce or more of any salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
- (N) Escape, by the use of force or violence, from any county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 where great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
- (O) Torture, as described in Section 206 of the Penal Code.
- (P) Aggravated mayhem, as described in Section 205 of the Penal Code.
- (Q) Assault with a firearm in which the minor personally used the firearm.
- (R) Attempted murder.
- (S) Rape in which the minor personally used a firearm.
- (T) Burglary in which the minor personally used a firearm.
- (U) Kidnapping in which the minor personally used a firearm.
- (V) The offense described in Section 12308 of the Penal Code.
- (W) Kidnapping, in violation of Section 209.5 of the Penal Code.
- (X) Carjacking, in which the minor personally used a firearm.

(c) This subdivision shall apply to a minor alleged to be a person described in Section 602 by reason of the violation, when he or she had attained the age of 14 years but had not attained the age of 16 years, of the offense of murder in which it is alleged in the petition that one of the following exists:

(1) In the case of murder in the first or second degree, the minor personally killed the victim.

(2) In the case of murder in the first or second degree, the minor, acting with the intent to kill the victim, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted any person to kill the victim.

(3) In the case of murder in the first degree, while not the actual killer, the minor, acting with reckless indifference to human life and as a major participant in a felony enumerated in paragraph (17) of subdivision (a) of Section 190.2, or an attempt to commit that felony, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted in the commission or attempted commission of that felony and the commission or attempted commission of that felony or the immediate flight therefrom resulted in the death of the victim.

Upon motion of the petitioner made prior to the attachment of jeopardy, the court shall cause the probation officer to investigate and submit a report on the behavioral patterns and social history of the minor being considered for a determination of unfitness. Following submission and consideration of the report, and of any other relevant evidence which the petitioner or the minor may wish to submit, the minor shall be presumed to be not a fit and proper subject to be dealt with under the juvenile court law unless the juvenile court concludes, based upon evidence, which evidence may be of extenuating or mitigating circumstances, that the minor would be amenable to the care, treatment, and training program available through the facilities of the juvenile court based upon an evaluation of each of the following criteria:

- (A) The degree of criminal sophistication exhibited by the minor.
- (B) Whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.
- (C) The minor's previous delinquent history.
- (D) Success of previous attempts by the juvenile court to rehabilitate the minor.
- (E) The circumstances and gravity of the offenses alleged in the petition to have been committed by the minor.

A determination that the minor is a fit and proper subject to be dealt with under the juvenile court law shall be based on a finding of amenability after consideration of the criteria set forth above, and findings therefor recited in the order as to each of the above criteria that the minor is fit and proper under each and every one of the above criteria. In making a finding of fitness, the court may consider extenuating or mitigating circumstances in evaluating each of the above criteria. In any case in which a hearing has been noticed pursuant to this section, the court shall postpone the taking of a plea to the petition until the conclusion of the fitness hearing and no plea which may already have been entered shall constitute evidence at the hearing.

(d) (1) Except as provided in subdivision (b) of Section 602, the district attorney or other appropriate prosecuting officer may file an accusatory pleading in a court of criminal jurisdiction against any minor 16 years of age or older who is accused of committing an offense enumerated in subdivision (b).

(2) Except as provided in subdivision (b) of Section 602, the district attorney or other appropriate prosecuting officer may file an accusatory pleading against a minor 14 years of age or older in a court of criminal jurisdiction in any case in which any one or more of the following circumstances apply:

(A) The minor is alleged to have committed an offense which if committed by an adult would be punishable by death or imprisonment in the state prison for life.

(B) The minor is alleged to have personally used a firearm during the commission or attempted commission of a felony, as described in Section 12022.5 of the Penal Code.

(C) The minor is alleged to have committed an offense listed in subdivision (b) in which any one or more of the following circumstances apply:

(i) The minor has previously been found to be a person described in Section 602 by reason of the commission of an offense listed in subdivision (b).

(ii) The offense was committed for the benefit of, at the direction of, or in association with any criminal street gang, as defined in subdivision (f) of Section 186.22 of the Penal Code, with the specific intent to promote, further, or assist in any criminal conduct by gang members.

(iii) The offense was committed for the purpose of intimidating or interfering with any other person's free exercise or enjoyment of any right secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States and because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because the minor perceives that the other person has one or more of those characteristics, as described in Title 11.6 (commencing with Section 422.6) of Part 1 of the Penal Code.

(iv) The victim of the offense was 65 years of age or older, or blind, deaf, quadriplegic, paraplegic, developmentally disabled, or confined to a wheelchair, and that disability was known or reasonably should have been known to the minor at the time of the commission of the offense.

(3) Except as provided in subdivision (b) of Section 602, the district attorney or other appropriate prosecuting officer may file an accusatory pleading in a court of criminal jurisdiction against any minor 16 years of age or older who is accused of committing one of the following offenses, if the minor has previously been found to be a person described in Section 602 by reason of the violation of any felony offense, when he or she was 14 years of age or older:

(A) Any felony offense in which it is alleged that the victim of the offense was 65 years of age or older, or blind, deaf, quadriplegic, paraplegic, developmentally disabled, or confined to a wheelchair, and that disability was known or reasonably should have been known to the minor at the time of the commission of the offense;

(B) Any felony offense committed for the purposes of intimidating or interfering with any other person's free exercise or enjoyment of any right secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States and because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because the minor perceived that the other person had one or more of those characteristics, as described in Title 11.6 (commencing with Section 422.6) of Part 1 of the Penal Code; or

(C) The offense was committed for the benefit of, at the direction of, or in association with any criminal street gang as prohibited by Section 186.22 of the Penal Code.

(4) In any case in which the district attorney or other appropriate prosecuting officer has filed an accusatory pleading against a minor in a court of criminal jurisdiction pursuant to the provisions of this subdivision, the case shall then proceed according to the laws applicable to a criminal case. In conjunction with the preliminary hearing as provided for in Section 738 of the Penal Code, the magistrate shall make a finding that reasonable cause exists to believe that the minor comes within the provisions of this subdivision. If reasonable cause is not established, the criminal court shall transfer the case to the juvenile court having jurisdiction over the matter.

(5) For any offense for which the prosecutor may file the accusatory pleading in a court of criminal jurisdiction pursuant to this subdivision,

but elects instead to file a petition in the juvenile court, if the minor is subsequently found to be a person described in subdivision (a) of Section 602, the minor shall be committed to placement in a juvenile hall, ranch camp, forestry camp, boot camp, or secure juvenile home pursuant to Section 730, or in any institution operated by the Youth Authority.

(6) If, pursuant to this subdivision, the minor is found to be not a fit and proper subject for juvenile court treatment and is tried in a court of criminal jurisdiction and found guilty by the trier of fact, the judge may commit the minor to the Youth Authority in lieu of sentencing the minor to the state prison, unless the limitations specified in Section 1732.6 apply.

(4) (e) Any report submitted by a probation officer pursuant to this section regarding the behavioral patterns and social history of the minor being considered for a determination of unfitness shall include any written or oral statement offered by the victim, the victim's parent or guardian if the victim is a minor, or if the victim has died, the victim's next of kin, as authorized by subdivision (b) of Section 656.2. Victims' statements shall be considered by the court to the extent they are relevant to the court's determination of unfitness.

SEC. 27. Section 777 of the Welfare and Institutions Code is amended to read:

777. An order changing or modifying a previous order by removing a minor from the physical custody of a parent, guardian, relative, or friend and directing placement in a foster home, or commitment to a private institution or commitment to a county institution, or an order changing or modifying a previous order by directing commitment to the Youth Authority shall be made only after a noticed hearing upon a supplemental petition.

(a) The supplemental petition shall be filed notice shall be made as follows:

(1) By the probation officer where a minor has been declared a ward of the court or a probationer under Section 601 in the original matter and shall contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor has violated an order of the court.

(2) By the probation officer or the prosecuting attorney; after consulting with the probation officer, if the minor is a court ward or probationer under Section 602 in the original matter and the supplemental petition notice alleges a violation of a condition of probation not amounting to a crime. The petition notice shall contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor. The petition shall be filed by the prosecuting attorney, after consulting with the probation officer, if a minor has been declared a ward or probationer under Section 602 in the original matter and the petition alleges a violation of a condition of probation amounting to a crime. The petition shall contain a concise statement of facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor.

(3) Where the probation officer is the petitioner pursuant to paragraph (2), if prior to the attachment of jeopardy at the time of the jurisdictional hearing it appears to the prosecuting attorney that the minor is not a person described by subdivision (a) or that the supplemental petition was not properly charged, the prosecuting attorney may make a motion to dismiss the supplemental petition notice and may request that the matter be referred to the probation officer for whatever action the prosecuting or probation officer may deem appropriate.

(b) Notwithstanding the provisions of subdivision (a), if the petition alleges a violation of a condition of probation and is for the commitment of a minor to a county juvenile institution for a period of 30 days or less, or for a less restrictive disposition, it is not necessary to allege and prove that the previous disposition has not been effective in the rehabilitation or protection of the minor. However, before any period of commitment in excess of 15 days is ordered, the court shall determine and consider the effect that an extended commitment period would have on the minor's schooling, including possible loss of credits, and on any current employment of the minor. In order to make such a commitment the court must, however, find that the commitment is in the best interest of the minor. The provisions of this subdivision may not be utilized more than twice during the time the minor is a ward of the court.

(c) (b) Upon the filing of a supplemental petition such notice, the clerk of the juvenile court shall immediately set the same for hearing within 30 days, and the probation officer shall cause notice of it to be served upon the persons and in the manner prescribed by Sections 658 and 660.

(c) The facts alleged in the notice shall be established by a preponderance of the evidence at a hearing to change, modify, or set aside a previous order. The court may admit and consider reliable hearsay evidence at the hearing to the same extent that such evidence would be admissible in an adult probation revocation hearing, pursuant to the decision in *People v. Brown*, 215 Cal.App.3d (1989) and any other relevant provision of law.

(d) An order for the detention of the minor pending adjudication of the petition alleged violation may be made only after a hearing is conducted pursuant to Article 15 (commencing with Section 625) of this chapter.

(e) The filing of a supplemental petition and the hearing thereon shall not be required for the commitment of a minor to a county institution for a period of 30 days or less pursuant to an original or a previous order imposing a specified time in custody and staying the enforcement of the order subject to subsequent violation of a condition or conditions of probation, provided that in order to make the commitment, the court finds at a hearing that the minor has violated a condition of probation.

SEC. 28. Section 781 of the Welfare and Institutions Code is amended to read:

781. (a) In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge a person a ward of the court, in any case in which a person is cited to appear before a probation officer or is taken before a probation officer pursuant to Section 626, or in any case in which a minor is taken before any officer of a law enforcement agency, the person or the county probation officer may, five years or more after the jurisdiction of the juvenile court has terminated as to the person, or, in a case in which no petition is filed, five years or more after the person was cited to appear before a probation officer or was taken before a probation officer pursuant to Section 626 or was taken before any officer of a law enforcement agency, or, in any case, at any time after the person has reached the age of 18 years, petition the court for sealing of the records, including records of arrest, relating to the person's case, in the custody of the juvenile court and probation officer and any other agencies, including law enforcement agencies, and public officials as the petitioner alleges, in his or her petition, to have custody of the records. The court shall notify the district attorney of the county and the county probation officer, if he or she is not the petitioner, and the district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since the termination of jurisdiction or action pursuant to Section 626, as the case may be, he or she has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order all records, papers, and exhibits in the person's case in the custody of the juvenile court sealed, including the juvenile court record, minute book entries, and entries on dockets, and any other records relating to the case in the custody of the other agencies and officials as are named in the order. In any case in which a ward of the juvenile court is subject to the registration requirements set forth in Section 290 of the Penal Code, a court, in ordering the sealing of the juvenile records of the person, also shall provide in the order that the person is relieved from the registration requirement and for the destruction of all registration information in the custody of the Department of Justice and other agencies and officials. Notwithstanding any other provision of law, the court shall not order the person's records sealed in any case in which the person has been found by the juvenile court to have committed an offense listed in subdivision (b); paragraph (2) of subdivision (d), or subdivision (e) of Section 707 until at least six years have elapsed since commission of the offense listed in subdivision (b); paragraph (2) of subdivision (d), or subdivision (e) of Section 707 when he or she had attained 14 years of age or older. Once the court has ordered the person's records sealed, the proceedings in the case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events, the records of which are ordered sealed. The court shall send a copy of the order to each agency and official named therein, directing the agency to seal its records and stating the date thereafter to destroy the sealed records. Each such agency and official shall seal the records in its custody as directed by the order, shall advise the court of its compliance, and thereupon shall seal the copy of the court's order for sealing of records that it, he, or she received. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may so order. Otherwise, except as provided in subdivision (b), the records shall not be open to inspection.

(b) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

(c) (1) Subdivision (a) does not apply to Department of Motor Vehicle records of any convictions for offenses under the Vehicle Code or any local ordinance relating to the operation, stopping and standing, or parking of a vehicle where the record of any such conviction would be a public record under Section 1808 of the Vehicle Code. However, if a court orders a case record containing any such conviction to be sealed under this section, and if the Department of Motor Vehicles maintains a

Text of Proposed Laws—Continued

public record of such a conviction, the court shall notify the Department of Motor Vehicles of the sealing and the department shall advise the court of its receipt of the notice.

Notwithstanding any other provision of law, subsequent to the notification, the Department of Motor Vehicles shall allow access to its record of convictions only to the subject of the record and to insurers which have been granted requestor code numbers by the department. Any insurer to which such a record of conviction is disclosed, when such a conviction record has otherwise been sealed under this section, shall be given notice of the sealing when the record is disclosed to the insurer. The insurer may use the information contained in the record for purposes of determining eligibility for insurance and insurance rates for the subject of the record, and the information shall not be used for any other purpose nor shall it be disclosed by an insurer to any person or party not having access to the record.

(2) This subdivision shall not be construed as preventing the sealing of any record which is maintained by any agency or party other than the Department of Motor Vehicles.

(3) This subdivision shall not be construed as affecting the procedures or authority of the Department of Motor Vehicles for purging department records.

(d) Unless for good cause the court determines that the juvenile court record shall be retained, the court shall order the destruction of a person's juvenile court records that are sealed pursuant to this section as follows: five years after the record was ordered sealed, if the person who is the subject of the record was alleged or adjudged to be a person described by Section 601; or when the person who is the subject of the record reaches the age of 38 if the person was alleged or adjudged to be a person described by Section 602, except that if the subject of the record was found to be a person described in Section 602 because of the commission of an offense listed in subdivision (b), of Section 707, when he or she was 14 years of age or older, the record shall not be destroyed. Any other agency in possession of sealed records may destroy its records five years after the record was ordered sealed.

(e) This section shall not permit the sealing of a person's juvenile court records for an offense where the person is convicted of that offense in a criminal court pursuant to the provisions of Section 707.1. This subdivision is declaratory of existing law.

SEC. 29. Article 20.5 (commencing with Section 790) is added to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, to read:

Article 20.5. Deferred Entry of Judgment

790. (a) Notwithstanding Sections 654, 654.2, or any other provision of law, this article shall apply whenever a case is before the juvenile court for a determination of whether a minor is a person described in Section 602 because of the commission of a felony offense, if all of the following circumstances apply:

(1) The minor has not previously been declared to be a ward of the court for the commission of a felony offense.

(2) The offense charged is not one of the offenses enumerated in subdivision (b) of Section 707.

(3) The minor has not previously been committed to the custody of the Youth Authority.

(4) The minor's record does not indicate that probation has ever been revoked without being completed.

(5) The minor is at least 14 years of age at the time of the hearing.

(6) The minor is eligible for probation pursuant to Section 1203.06 of the Penal Code.

(b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (6), inclusive, of subdivision (a) apply. Upon the agreement of the prosecuting attorney, the public defender or the minor's private defense attorney, and the presiding judge of the juvenile court or a judge designated by the presiding judge to the application of this article, this procedure shall be completed as soon as possible after the initial filing of the petition. If the prosecuting attorney, the defense attorney, and the juvenile court judge do not agree, the case shall proceed according to Article 17 (commencing with Section 675). If the minor is found eligible for deferred entry of judgment, the prosecuting attorney shall file a declaration in writing with the court or state for the record the grounds upon which the determination is based, and shall make this information available to the minor and his or her attorney. Under this procedure, the court may set the hearing for deferred entry of judgment at the initial appearance under Section 657.

791. (a) The prosecuting attorney's written notification to the minor shall also include all of the following:

(1) A full description of the procedures for deferred entry of judgment.

(2) A general explanation of the roles and authorities of the probation department, the prosecuting attorney, the program, and the court in that process.

(3) A clear statement that, in lieu of jurisdictional and disposition hearings, the court may grant a deferred entry of judgment with respect to any offense charged in the petition, provided that the minor admits each allegation contained in the petition and waives time for the pronouncement of judgment, and that upon the successful completion of

the terms of probation, as defined in Section 794, the positive recommendation of the probation department, and the motion of the prosecuting attorney, but no sooner than 12 months and no later than 36 months from the date of the minor's referral to the program, the court shall dismiss the charge or charges against the minor.

(4) A clear statement that upon any failure of the minor to comply with the terms of probation, including the rules of any program the minor is directed to attend, or any circumstances specified in Section 793, the prosecuting attorney or the probation department, or the court on its own, may make a motion to the court for entry of judgment and the court shall render a finding that the minor is a ward of the court pursuant to Section 602 for the offenses specified in the original petition and shall schedule a dispositional hearing.

(5) An explanation of record retention and disposition resulting from participation in the deferred entry of judgment program and the minor's rights relative to answering questions about his or her arrest and deferred entry of judgment following successful completion of the program.

(6) A statement that if the minor fails to comply with the terms of the program and judgment is entered, the offense may serve as a basis for a finding of unfitness pursuant to subdivision (d) of Section 707, if the minor commits two subsequent felony offenses.

(b) If the minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or the court may summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of judgment. When directed by the court, the probation department shall make an investigation and take into consideration the defendant's age, maturity, educational background, family relationships, demonstrable motivation, treatment history, if any, and other mitigating and aggravating factors in determining whether the minor is a person who would be benefited by education, treatment, or rehabilitation. The probation department shall also determine which programs would accept the minor. The probation department shall report its findings and recommendations to the court. The court shall make the final determination regarding education, treatment, and rehabilitation of the minor.

(c) A minor's admission of the charges contained in the petition pursuant to this chapter shall not constitute a finding that a petition has been sustained for any purpose, unless a judgment is entered pursuant to subdivision (b) of Section 793.

792. The judge shall issue a citation directing any custodial parent, guardian, or foster parent of the minor to appear at the time and place set for the hearing, and directing any person having custody or control of the minor concerning whom the petition has been filed to bring the minor with him or her. The notice shall in addition state that a parent, guardian, or foster parent may be required to participate in a counseling or education program with the minor concerning whom the petition has been filed. The notice shall explain the provisions of Section 170.6 of the Code of Civil Procedure. Personal service shall be made at least 24 hours before the time stated for the appearance.

793. (a) If it appears to the prosecuting attorney, the court, or the probation department that the minor is not performing satisfactorily in the assigned program or is not complying with the terms of the minor's probation, or that the minor is not benefiting from education, treatment, or rehabilitation, the court shall lift the deferred entry of judgment and schedule a dispositional hearing. If after accepting deferred entry of judgment and during the period in which deferred entry of judgment was granted, the minor is convicted of, or declared to be a person described in Section 602 for the commission of, any felony offense or of any two misdemeanor offenses committed on separate occasions, the judge shall enter judgment and schedule a dispositional hearing. If the minor is convicted of, or found to be a person described in Section 602, because of the commission of one misdemeanor offense, or multiple misdemeanor offenses committed during a single occasion, the court may enter judgment and schedule a dispositional hearing.

(b) If the judgment previously deferred is imposed and a dispositional hearing scheduled pursuant to subdivision (a), the juvenile court shall report the complete criminal history of the minor to the Department of Justice, pursuant to Section 602.5.

(c) If the minor has performed satisfactorily during the period in which deferred entry of judgment was granted, at the end of that period the charge or charges in the wardship petition shall be dismissed and the arrest upon which the judgment was deferred shall be deemed never to have occurred and any records in the possession of the juvenile court shall be sealed, except that the prosecuting attorney and the probation department of any county shall have access to these records after they are sealed for the limited purpose of determining whether a minor is eligible for deferred entry of judgment pursuant to Section 790.

794. When a minor is permitted to participate in a deferred entry of judgment procedure, the judge shall impose, as a condition of probation, the requirement that the minor be subject to warrantless searches of his or her person, residence, or property under his or her control, upon the request of a probation officer or peace officer. The court shall also consider whether imposing random drug or alcohol testing, or both,

including urinalysis, would be an appropriate condition of probation. The judge shall also, when appropriate, require the minor to periodically establish compliance with curfew and school attendance requirements. The court may, in consultation with the probation department, impose any other term of probation authorized by this code that the judge believes would assist in the education, treatment, and rehabilitation of the minor and the prevention of criminal activity. The minor may also be required to pay restitution to the victim or victims pursuant to the provisions of this code.

795. The county probation officer or a person designated by the county probation officer shall serve in each county as the program administrator for juveniles granted deferred entry of judgment and shall be responsible for developing, supervising, and monitoring treatment programs and otherwise overseeing the placement and supervision of minors granted probation pursuant to the provisions of this chapter.

SEC. 30. Section 827.1 of the Welfare and Institutions Code, as added by Chapter 422 of the Statutes of 1996, is amended and renumbered to read:

827.1. 827.2. (a) Notwithstanding Section 827 or any other provision of law, written notice that a minor has been found by a court of competent jurisdiction to have committed any felony pursuant to Section 602 shall be provided by the court within seven days to the sheriff of the county in which the offense was committed and to the sheriff of the county in which the minor resides. Written notice shall include only that information regarding the felony offense found to have been committed by the minor and the disposition of the minor's case. If at any time thereafter the court modifies the disposition of the minor's case, it shall also notify the sheriff as provided above. The sheriff may disseminate the information to other law enforcement personnel upon request, provided that he or she reasonably believes that the release of this information is generally relevant to the prevention or control of juvenile crime.

(b) Any information received pursuant to this section shall be received in confidence for the limited law enforcement purpose for which it was provided and shall not be further disseminated except as provided in this section. An intentional violation of the confidentiality provisions of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(c) Notwithstanding subdivision (a) or (b), a law enforcement agency may disclose to the public or to any interested person the information received pursuant to subdivision (a) regarding a minor 14 years of age or older who was found by the court to have committed any felony enumerated in subdivision (b) of Section 707. The law enforcement agency shall not release this information if the court for good cause, with a written statement of reasons, so orders.

SEC. 31. Section 827.5 of the Welfare and Institutions Code is amended to read:

827.5. Notwithstanding any other provision of law except Sections 389 and 781 of this code and Section 1203.45 of the Penal Code, a law enforcement agency may disclose the name of any minor 14 years of age or older taken into custody for the commission of any serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code, and the offenses allegedly committed, upon the request of interested persons, if a hearing has commenced that is based upon a petition that alleges that the minor is a person within the description of Section 602 following the minor's arrest for that offense.

SEC. 32. Section 827.6 of the Welfare and Institutions Code is amended to read:

827.6. (a) Notwithstanding any other provision of law, the presiding judge of the juvenile court may authorize a law enforcement agency to disclose only the name and other information necessary to identify a minor who is lawfully sought for arrest as a suspect in the commission of any felony listed in subdivision (b) of Section 707 where the disclosure is imperative for the apprehension of the minor. The court order shall be solely for the limited purpose of enabling law enforcement to apprehend the minor, and shall contain the exact nature of the data to be released. In determining whether to authorize the release of information pursuant to this section, the court shall balance the confidentiality interests of the minor under this chapter, the due diligence of law enforcement to apprehend the minor prior to the filing of a petition for disclosure, and public safety interests raised by the facts of the minor's case.

(b) When seeking an order of disclosure pursuant to this section, in addition to any other information requested by the presiding judge, a law enforcement agency shall submit to the court a verified declaration and any supporting exhibits indicating the probable cause for the lawful arrest of the minor; efforts to locate the minor, including, but not limited to, persons contacted; surveillance activity; search efforts; and

any other pertinent information; all evidence regarding why the order is critical; including a minor's danger to himself or herself, the minor's danger to others; the minor's flight risk; and any other information indicating the urgency for the court order.

A law enforcement agency may release the name, description, and the alleged offense of any minor alleged to have committed a violent offense, as defined in subdivision (c) of Section 667.5 of the Penal Code, and against whom an arrest warrant is outstanding, if the release of this information would assist in the apprehension of the minor or the protection of public safety. Neither the agency nor the city, county, or city and county in which the agency is located shall be liable for civil damages resulting from release of this information.

SEC. 33. Section 828.01 of the Welfare and Institutions Code is repealed.

828.01. (a) Notwithstanding any other provision of law, a law enforcement agency may release the name of, and any descriptive information about, a minor, 14 years of age or older, and the offenses allegedly committed by that minor, if there is an outstanding warrant for the arrest of that minor for an offense described in paragraph (1) of subdivision (e) of Section 707. Any releases made pursuant to this section shall be reported to the presiding judge of the juvenile court.

(b) This section shall remain in effect only until January 1, 2000; and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

SEC. 34. Section 1732.6 of the Welfare and Institutions Code is amended to read:

1732.6. (a) No minor shall be committed to the Youth Authority when he or she is convicted in a criminal action for an offense described in Section 667.5 or subdivision (c) of Section 1192.7 of the Penal Code and is sentenced to incarceration for life, an indeterminate period to life, or a determinate period of years such that the maximum number of years of potential confinement when added to the minor's age would exceed 25 years. ~~In~~ Except as specified in subdivision (b), in all other cases in which the minor has been convicted in a criminal action, the court shall retain discretion to sentence the minor to the Department of Corrections or to commit the minor to the Youth Authority.

(b) No minor shall be committed to the Youth Authority when he or she is convicted in a criminal action for:

(1) An offense described in subdivision (b) of Section 602, or
(2) An offense described in paragraphs (1), (2), or (3) of subdivision (d) of Section 707, if the circumstances enumerated in those paragraphs are found to be true by the trier of fact.

(3) An offense described in subdivision (b) of Section 707, if the minor had attained the age of 16 years of age or older at the time of commission of the offense.

(c) Notwithstanding any other provision of law, no person under the age of 16 years shall be housed in any facility under the jurisdiction of the Department of Corrections.

SEC. 35. INTENT. In enacting Section 4 of this initiative, adding subdivision (i) to Section 186.22 of the Penal Code, it is the intent of the people to reaffirm the reasoning contained in footnote 4 of *In re Lincoln J.*, 223 Cal.App.3d 322 (1990) and to disapprove of the reasoning contained in *People v. Green*, 227 Cal.App.3d 693 (1991) (holding that proof that "the person must devote all, or a substantial part of his or her efforts to the criminal street gang" is necessary in order to secure a conviction under subdivision (a) of Section 186.22 of the Penal Code).

SEC. 36. INTENT. In enacting Section 11 of this initiative (amending Section 190.2 of the Penal Code to add intentional gang-related murders to the list of special circumstances, permitting imposition of the death penalty or life without the possibility of parole for this offense), it is not the intent of the people to abrogate Section 190.5 of the Penal Code. The people of the State of California reaffirm and declare that it is the policy of this state that the death penalty may not be imposed upon any person who was under the age of 18 years at the time of the commission of the crime.

SEC. 37. INTENT. It is the intent of the people of the State of California in enacting this measure that if any provision in this act conflicts with another section of law which provides for a greater penalty or longer period of imprisonment that the latter provision shall apply, pursuant to Section 654 of the Penal Code.

SEC. 38. SEVERABILITY. If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining sections shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

SEC. 39. AMENDMENT. The provisions of this measure shall not be amended by the Legislature except by a statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

Text of Proposed Laws—Continued

Proposition 22: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure adds a section to the Family Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. This act may be cited as the “California Defense of Marriage Act.”

SECTION 2. Section 308.5 is added to the Family Code, to read:
308.5. Only marriage between a man and a woman is valid or recognized in California.

Proposition 23: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends and adds sections to the Elections Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

“NONE OF THE ABOVE” ELECTION REFORM ACT

SECTION 1. This act shall be known and may be cited as the “None of the Above” Election Reform Act.

SEC. 2. FINDINGS AND DECLARATIONS

The people of the State of California find and declare:

(a) Many eligible citizens of all political parties do not participate in elections because they are angered by negative campaigns, frustrated with the narrow choice of candidates, and convinced that those elected to represent them are out of touch with their needs.

(b) Voters in the State of Nevada have, for more than 20 years, benefited from having the choice to vote for “none of these candidates” and have their choice counted and reported as part of official election results.

(c) Establishing the option of voting for “None of the Above” will encourage voter participation in elections by giving citizens who have tended not to vote in the past a means of participating responsibly while voicing a protest against negative campaigns, limited choice of candidates, and poor performance of officeholders.

(d) Establishing a nonbinding “None of the Above” option will not alter the principle that the election is won by the candidate who receives the most votes.

(e) Voters, candidates, and officeholders will benefit from official publication of information concerning how many voters choose “None of the Above” rather than any of the candidates on the ballot for a particular public office. Specifically, when more voters cast their ballots for “None of the Above” than for any of the candidates, they will send a powerful message about the need for reform. Votes for “None of the Above” will tell politicians that their methods of recruiting candidates, campaigning, and communicating with the public need improvement.

SEC. 3. PURPOSE AND INTENT

The people of the State of California hereby declare their purpose and intent in enacting this act to be as follows:

(a) To increase voter participation in elections.

(b) To give voters a means to responsibly protest, and visibly express their dissatisfaction with, the choices offered on the ballot.

(c) To send politicians a message about voter anger over negative campaigns, the lack of meaningful choices among candidates, and the inaccessibility of their elected representatives.

SEC. 4. Chapter 5 (commencing with Section 400) is added to Division 0.5 of the Elections Code, as follows:

CHAPTER 5. OPTION OF VOTING FOR NONE OF THE ABOVE

400. Notwithstanding any other provision of law, in all primary, general, special, and recall elections for President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Insurance Commissioner, Member of the Board of Equalization, Member of the Assembly, and State Senator, voters shall be provided with the option of voting for “None of the Above.” Only votes cast for named candidates (including valid write-in candidates) shall be counted in determining the selection of presidential electors or nomination or election to any of the other specified federal and state offices, but for each office the number of ballots on which “None of the Above” was selected shall be listed below the names of the candidates and the number of their votes in every tally sheet, snap tally form, semiofficial return, official return, statement of the result, return, statement of the vote, supplement to the statement of the vote, or other official listing of election results.

SEC. 5. Section 6480 of the Elections Code is amended to read:

6480. The format of the presidential portion of the Republican

primary ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) Instructions to voters shall exclude any reference to groups of candidates preferring a person whose name appears on the ballot or references to any group of candidates not expressing a preference for a particular candidate.

(b) In place of the heading: “FOR DELEGATES TO NATIONAL CONVENTION. Vote for One Group or ‘None of the Above’ Only.” shall appear the heading: “PRESIDENTIAL PREFERENCE. Vote for One or ‘None of the Above’.”

(c) Candidates for President shall be listed on the ballot in the same order provided for in Chapter 2 (commencing with Section 13100) of Division 13 for statewide candidates.

(d) Only the names of selected and unselected presidential candidates shall appear on the ballot in the spaces provided. No reference shall be made to their being preferred by candidates for delegates to the national convention.

SEC. 6. Section 6620 of the Elections Code is amended to read:

6620. For the presidential primary election, the format of the American Independent Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) In place of the heading “Delegates to National Convention, vote for one group or ‘None of the Above’ only” shall appear the heading “Presidential Preference, vote for one or ‘None of the Above’.”

(b) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a).

(c) Below the presidential candidates shall appear in the same column, or in the next column if there is not sufficient space in the first column, the heading “Delegates to National Convention, vote for one group or ‘None of the Above’.”

(d) The instructions to voters shall be the same as provided for in Chapter 2 (commencing with Section 13100) of Division 13 except that they shall begin with the words, “To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate or ‘None of the Above.’ Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot.”

SEC. 7. Section 6821 of the Elections Code is amended to read:

6821. For the presidential primary election, the format of the Peace and Freedom Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:

(a) In place of the heading “Delegates to National Convention, vote for one group only” shall appear the heading “Presidential Preference, vote for one or ‘None of the Above’.”

(b) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a).

(c) Below the presidential candidates shall appear in the same column, or in the next column if there is not sufficient space in the first column, the heading “Delegates to National Convention, vote for one group or ‘None of the Above’.”

(d) Presidential candidates who have qualified for the ballot and to whom delegations are pledged, and the chairpersons of unpledged delegations which have qualified for the ballot, shall be listed below the heading specified in subdivision (c).

(e) The instructions to voters shall be the same as provided for in Chapter 2 (commencing with Section 13100) of Division 13, except that they shall begin with the words, “To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate or ‘None of the Above’.” Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot.”

SEC. 8. Section 9035 of the Elections Code is amended to read:

9035. An initiative measure may be proposed by presenting to the Secretary of State a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified to have been signed by registered voters equal in number to 5 percent in the case of a statute, and 8 percent in the case of an amendment to the Constitution, of the voters for all candidates and for “None of the Above” for Governor

at the last gubernatorial election preceding the issuance of the title and summary for the initiative measure by the Attorney General.

SEC. 9. Section 11322 of the Elections Code is amended to read:

11322. In addition to the material contained in Section 11320, the following shall appear on ballots at all recall elections, except at a landowner voting district recall election:

(a) The names of the candidates nominated to succeed the officer sought to be recalled shall appear under each recall question.

(b) Following each list of candidates, the ballot shall provide one blank line with a voting space to the right of it for the voter to write in a name not printed on the ballot.

(c) In addition to the material contained in subdivisions (a) and (b), the following shall appear on ballots at all recall elections for the offices specified in Section 400: the phrase "None of the Above" with a voting space to the right of it.

SEC. 10. Section 13204 of the Elections Code is amended to read:

13204. (a) (1) The instructions to voters shall be printed at least three-eighths of an inch below the district designation. The instructions shall begin with the words "INSTRUCTIONS TO VOTERS:" in no smaller than 16-point gothic condensed capital type. Thereafter, there shall be printed in 10-point gothic type all of the following directions that are applicable to the ballot:

"To vote for a candidate for Chief Justice of California; Associate Justice of the Supreme Court; Presiding Justice, Court of Appeal; or Associate Justice, Court of Appeal, stamp a cross (+) in the voting square after the word "Yes," to the right of the name of the candidate. To vote against that candidate, stamp a cross (+) in the voting square after the word "No," to the right of the name of that candidate."

"To vote for any other candidate of your selection, stamp a cross in the voting square to the right of the candidate's name. (When justices of the Supreme Court or court of appeal do not appear on the ballot, the instructions referring to voting after the word "Yes" or the word "No" will be deleted and the above sentence shall read: "To vote for a candidate whose name appears on the ballot, stamp a cross (+) in the voting square to the right of the candidate's name.") Where two or more candidates for the same office are to be elected, stamp a cross (+) after the names of all candidates for the office for whom you desire to vote, not to exceed, however, the number of candidates to be elected."

"To vote for a qualified write-in candidate, write the person's name in the blank space provided for that purpose after the names of the other candidates for the same office."

"To vote on any measure, stamp a cross (+) in the voting square after the word "Yes" or after the word "No."

"All distinguishing marks or erasures are forbidden and make the ballot void."

"If you wrongly stamp, tear, or deface this ballot, return it to the precinct board member and obtain another."

"On absent voter ballots mark a cross (+) with pen or pencil."

(2) With respect only to elections in which the names of candidates for one or more of the affected offices appear, the instructions to voters shall include, printed after the directions set forth in paragraph (1), the following paragraph:

"If you do not choose to vote for any candidate for the office of President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, Member of the Board of Equalization, Member of the Assembly, or State Senator, should any or all of these offices appear on the ballot, you may stamp a cross (+) in the voting square to the right of the phrase "None of the Above," or you may decline to vote with respect to that office."

(b) The instructions to voters shall be separated by no smaller than a two-point rule from the portion of the ballot which contains the various offices and measures to be voted on.

SEC. 11. Section 13205 of the Elections Code is amended to read:

13205. Additional instructions to voters shall appear on the ballot prior to those provided for in Section 13204 under the following conditions:

(a) In a primary election at which candidates for delegate to national convention are to be voted upon, the instructions shall read:

"To vote for the group of candidates preferring a person whose name appears on the ballot, stamp a cross (+) in the square opposite the name of the person preferred. To vote for a group of candidates not expressing a preference for a particular candidate, stamp a cross (+) in the square opposite the name of the chairman of the group. If you do not choose to vote for any group of candidates, you may stamp a cross (+) in the voting square to the right of the phrase "None of the Above," or you may decline to vote with respect to that office."

(b) In elections when electors of President and Vice President of the United States are to be chosen, there shall be placed upon the ballot, in addition to the instructions to voters as provided in this chapter, an instruction instructions as follows:

(1) "To vote for all of the electors of a party, stamp a cross (+) in the square opposite the names of the presidential and vice presidential candidates of that party. A cross (+) stamped in the square opposite the

name of a party and its presidential and vice presidential candidate, is a vote for all of the electors of that party, but for no other candidates."

(2) "If you do not choose to vote for any electors, you may stamp a cross (+) in the voting square to the right of the phrase "None of the Above," or you may decline to vote with respect to electors of President and Vice President of the United States."

(c) If a group of candidates for electors has been nominated under Chapter 3 (commencing with Section 8400) of Division 8, and has under Chapter 1 (commencing at Section 8300) of Division 8 designated the names of the candidates for President and Vice President of the United States for whom those candidates have pledged themselves to vote, the instructions to voters shall also contain the following, before the instruction required by paragraph (2) of subdivision (b):

"To vote for those electors who have pledged themselves to vote for a candidate for President and Vice President not supported by any particular party stamp a cross (+) in the square opposite the names of those presidential and vice presidential candidates."

(d) If a group of candidates for electors has been nominated by a party not qualified to participate in the election, the instructions to voters shall also contain the following, before the instruction required by paragraph (2) of subdivision (b):

"To vote for those electors who have pledged themselves to vote for a candidate for President and for Vice President of any party not qualified to participate in the election write in the names and party of those presidential and vice presidential candidates in the blank space provided for that purpose."

SEC. 12. Section 13208 of the Elections Code is amended to read:

13208. (a) In the right-hand margin of each column light vertical lines shall be printed in such a way as to create a voting square after the name of each candidate for partisan office, nonpartisan office (except for justice of the Supreme Court or court of appeal), or for chairman of a group of candidates for delegate to a national convention who express no preference for a presidential candidate. In the case of all elections for the offices of President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, Member of the Board of Equalization, Member of the Assembly, or State Senator, there shall be a voting square after the phrase "None of the Above." In the case of Supreme Court or appellate justices and in the case of measures submitted to the voters, the lines shall be printed so as to create voting squares to the right of the words "Yes" and "No." The voting squares shall be used by the voters to express their choices as provided for in the instruction to voters.

(b) The standard voting square shall be at least three-eighths of an inch square but may be up to one-half inch square. Voting squares for measures may be as tall as is required by the space occupied by the title and summary.

SEC. 13. Section 13210 of the Elections Code is amended to read:

13210. (a) In the case of candidates for delegate to national convention, there shall be printed in boldface gothic type, not smaller than 12-point, across the column above the names of the persons preferred by the groups of candidates for delegates, the words, "President of the United States." The words "Vote for one group or 'None of the Above' only" shall extend to the extreme right-hand margin of the column and over the voting square.

(b) In the case of candidates for President and Vice President, the words "Vote for One Party or 'None of the Above'" shall appear just below the heading "President and Vice President" and shall be printed so as to appear above the voting squares for that office. The heading "President and Vice President" shall be printed in boldface 12-point gothic type, and shall be centered above the names of the candidates.

(c) In that section of the ballot designated for judicial offices, next to the heading "judicial" shall appear the instruction: "Vote yes or no for each office."

(d) In the case of candidates for Justice of the Supreme Court and court of appeal, within the rectangle provided for each candidate, and immediately above each candidate's name, there shall appear the following: "For (designation of judicial office)." There shall be as many of these headings as there are candidates for these judicial offices. No heading shall apply to more than one judicial office. Underneath each heading shall appear the words "Shall (title and name of Justice) be elected to the office for the term provided by law?"

(e) In the case of all other candidates, each group of candidates to be voted on shall be preceded by the designation of the office for which they are running, and the words "vote for one" or "vote for no more than two," or more, according to the number to be nominated or elected. The designation of the office shall be printed flush with the left-hand margin in boldface gothic type not smaller than 8-point. The words, "vote for ____" shall extend to the extreme right-hand margin of the column and over the voting square. The designation of the office and the directions for voting shall be separated from the candidates by a light line. There shall be no line between the headings for federal or legislative offices and the designation of the office and the directions for voting.

Text of Proposed Laws—Continued

SEC. 14. Section 13211 of the Elections Code is amended to read:

13211. The names of the candidates *and, with regard to all elections for the offices specified in Section 400, the phrase "None of the Above,"* shall be printed on the ballot, without indentation, in roman capital, boldface type not smaller than eight-point, between light lines or rules at least three-eighths of an inch apart but no more than one-half inch apart. However, in the case of candidates for President and Vice President, the lines or rules may be as much as five-eighths of an inch apart.

SEC. 15. Section 14441 of the Elections Code is amended to read:

14441. (a) The elections official shall prepare and forward to each selected precinct forms containing a list of the offices and measures designated as being of more than ordinary interest, and stating the number of ballots to be counted for the snap tally. In each general election, the special form shall, for each office listed on it, include the names of all candidates for that office whose names appear on the ballot ; *and, with regard to elections for the offices specified in Section 400, the designation "None of the Above."*

(b) The inspector at each selected precinct shall note the results of the count and the total number of votes cast in the precinct on the snap tally forms as soon as the designated number of ballots has been tallied. The inspector shall then communicate the figures in the manner directed by the elections official. In each general election, the figures shall include the votes cast for every candidate whose name appears on the ballot for an office listed on the forms. The inspector shall continue, each time the designated number of ballots have been tallied, to note and report the results as directed.

SEC. 16. Section 14442 of the Elections Code is amended to read:

14442. Upon receipt from the precincts of the reports of votes cast on the specially designated offices and measures, the elections official shall tabulate the results and make the results available to the public. In each general election, all these reports of the election results shall include the votes cast for all candidates whose names appear on the ballot for each office for which returns are reported ; *and, with regard to the offices specified in Section 400, the votes cast for "None of the Above."*

SEC. 17. Section 15151 of the Elections Code is amended to read:

15151. (a) The elections official shall transmit the semifinal official results to the Secretary of State in the manner and according to the schedule prescribed by the Secretary of State prior to each election, for the following:

(1) All candidates *and, with regard to elections for the statewide offices specified in Section 400, "None of the Above,"* voted for statewide offices.

(2) All candidates *and "None of the Above"* voted for the following offices:

- (A) State Assembly.
- (B) State Senate.
- (C) Member of the United States House of Representatives.
- (D) Member of the State Board of Equalization.

~~(E) (3) All candidates voted for Justice of the Court of Appeals.~~

~~(3) (4) All persons and "None of the Above" voted for at the presidential primary or for electors of President and Vice President of the United States. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate and "None of the Above" received from all voters and separately according to the number of votes each candidate and "None of the Above" received from voters affiliated with each political party qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party. The elections official shall adopt procedures required to tabulate the ballots separately by party affiliation.~~

~~(4) (5) Statewide ballot measures.~~

(b) The elections official shall transmit the results to the Secretary of State at intervals no greater than two hours, following commencement of the semifinal official canvass.

SEC. 18. Section 15276 of the Elections Code is amended to read:

15276. The precinct board members shall ascertain the number of votes cast for each person , *for "None of the Above,"* and for and against each measure in the following manner:

One precinct board member shall read from the ballots. As the ballots are read, at least one other precinct board member shall keep watch of each vote so as to check on any possible error or omission on the part of the officer reading or calling the ballot.

SEC. 19. Section 15277 of the Elections Code is amended to read:

15277. (a) Two of the precinct board members shall each keep a tally sheet in a form prescribed by the elections official. Each tally sheet shall contain all of the following:

(1) The name of each candidate *and, with regard to elections for the offices specified in Section 400, "None of the Above,"* being voted for and the specific office for which each candidate is *and "None of the Above"* are being voted. The offices shall be in the same order as on the ballot.

(2) A list of each measure being voted upon.

(3) Sufficient space to permit the tallying of the full vote cast for each candidate , *for "None of the Above,"* and for and against each measure.

(b) The precinct board members keeping the tally sheets shall record opposite each name or measure, with pen or indelible pencil, the number of votes by tallies as the name of each candidate , *"None of the Above,"* or measure voted upon is read aloud from the respective ballot.

(c) Immediately upon the completion of the tallies, the precinct board members keeping the tally shall draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which the tallies terminate and initial that line. The total number of votes counted for each candidate , *for "None of the Above,"* and for and against each measure shall be recorded on the tally sheets in words and figures.

SEC. 20. Section 15374 of the Elections Code is amended to read:

15374. (a) The statement of the result shall show all of the following:

(1) The total number of ballots cast.

(2) The number of votes cast at each precinct for each candidate , *for "None of the Above,"* and for and against each measure.

(3) The total number of votes cast for each candidate , *for "None of the Above,"* and for and against each measure.

(b) The statement of the result shall also show the number of votes cast in each city, Assembly district, congressional district, senatorial district, State Board of Equalization district, and supervisorial district located in whole or in part in the county, for each candidate for the offices of presidential elector and all statewide offices, depending on the offices to be filled, and on each statewide ballot proposition. *With regard to elections for the offices specified in Section 400, the statement of the result shall also show the number of votes cast for "None of the Above."*

SEC. 21. Section 15375 of the Elections Code is amended to read:

15375. The elections official shall *forthwith* send to the Secretary of State ~~within 35 days of the election~~ in the manner requested one complete copy of all results as to all of the following:

(a) All candidates voted for statewide office ; *and, with regard to elections for the statewide offices specified in Section 400, "None of the Above."*

(b) All candidates *and "None of the Above"* voted for the following offices:

- (1) Member of the Assembly.
- (2) Member of the Senate.
- (3) Member of the United States House of Representatives.
- (4) Member of the State Board of Equalization.

~~(5) (c) All candidates voted for the following offices:~~

- ~~(1) Justice of the Courts of Appeal.~~
- ~~(2) Judge of the Superior Court.~~
- ~~(3) Judge of the Municipal Court.~~

~~(d) All persons and "None of the Above" voted for at the presidential primary. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 20 days after the election. The results at the presidential primary for candidates for President to whom delegates of a political party are pledged and "None of the Above" shall be reported according to the number of votes each candidate and "None of the Above" received from all voters and separately according to the number of votes each candidate and "None of the Above" received from voters affiliated with each political party qualified to participate in the presidential primary election, and from voters who have declined to affiliate with a qualified political party.~~

~~(e) The vote given for persons and "None of the Above" for electors of President and Vice President of the United States. The results for presidential electors shall be endorsed "Presidential Election Returns," and sent so that they are received by the Secretary of State not later than the first Monday in the month following the election.~~

~~(f) All statewide measures.~~

SEC. 22. Section 15501 of the Elections Code is amended to read:

15501. (a) Except as to presidential electors, the Secretary of State shall compile the results for all of the following:

(1) All candidates for statewide office ; *and, with regard to statewide offices specified in Section 400, "None of the Above."*

(2) All candidates *and "None of the Above"* for Assembly, State Senate, Congress, *and State Board of Equalization ; Supreme Court, and Courts of Appeal .*

~~(3) All candidates for Supreme Court and Courts of Appeal.~~

~~(4) All statewide measures.~~

(b) The Secretary of State shall prepare, certify, and file a statement of the vote from the compiled results no later than the 39th day after the election.

(c) The Secretary of State may gather returns for local elections, including, but not limited to, the following:

- (1) Candidates for county office.
- (2) Candidates for city office.
- (3) Candidates for school and district office.
- (4) County ballot measures.
- (5) City ballot measures.
- (6) School and district ballot measures.

SEC. 23. Section 15502 of the Elections Code is amended to read:

15502. Within 120 days of the filing of the statement of the vote, the Secretary of State, upon the basis of the information provided, shall

compile a supplement to the statement of the vote, showing the number of votes cast in each county, city, Assembly district, senatorial district, congressional district and supervisorial district for each candidate and "None of the Above" for the offices of presidential elector, Governor, and United States Senator, depending on the offices to be filled, and on each statewide ballot proposition. A copy of this supplement shall be made available, upon request, to any elector of this state.

SEC. 24. No provision of this act may be amended by the Legislature except to further the purposes of that provision by a statute passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate. No amendment by the Legislature shall be deemed to further the purposes of this act unless it furthers the purpose of the specified provision of this act being amended. In any judicial action with respect to any legislative amendment, the court shall exercise its independent judgment as to whether or not the amendment satisfies the requirements of this section.

SEC. 25. If this act is approved by voters but superseded by any other conflicting ballot measure approved by more voters at the same

election, and the conflicting ballot measure is later held invalid, it is the intent of the voters that this act shall be self-executing and given full force of the law.

SEC. 26. In the event that this measure and another measure or measures relating to a "none of the above" option in this state shall appear on the same statewide election ballot, the provisions of these other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

SEC. 27. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Proposition 24: Text of Proposed Law

Proposition 24 removed by order of the California Supreme Court.

Proposition 25: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends, repeals, and adds sections to the Elections Code and the Government Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Title

This measure shall be known as the California Voters Bill of Rights Act.

SECTION 2. Findings and Declarations

The people of California find and declare as follows:

(a) The people of California should be governed by a political system that is fair to all persons, open to public scrutiny, and dedicated to the principle that government derives its powers from the consent of the governed.

(b) The existing political system has failed to provide fairness in representation and is disproportionately dominated by individuals and groups whose extraordinary financial or political advantages enable a disregard of the consent of the governed.

(c) The recent history in California of financing campaigns and providing disproportionate advantages to protect incumbent officeholders have undermined public confidence in government.

(d) This unfair current political system is recognized by many residents of California, leading to worrisome levels of voter apathy and disenchantment with politics.

(e) Our democracy cannot continue to flourish if elections are often unfair, and voters perceive them to be unfair.

SECTION 3. Purposes of This Act

The people enact this law to accomplish the following related purposes:

(a) To ensure that all individuals and interest groups in our society have a fair and equitable opportunity to participate in the elective and governmental processes.

(b) To minimize the potentially corrupting influence and appearance of corruption caused by excessive contributions and expenditures in campaigns.

(c) To lessen the potentially corrupting pressures on candidates and officeholders and the appearance of corruption by establishing sensible time periods for soliciting and accepting campaign contributions.

(d) To provide voters with ample and fair election information from which to make informed campaign decisions.

(e) To encourage fair representation of the governed.

(f) To nurture voter trust in the outcome of elections and confidence in the fairness of state government and the commitment of officeholders.

SECTION 4. Section 3513.5 is added to the Elections Code, to read:

3513.5. The proponent shall place at the top of each petition, in clearly visible font at least twice the size of any font on the petition, the

following statement if the circulator is being paid to gather signatures: "THIS PETITION IS BEING CIRCULATED BY A PAID CIRCULATOR."

SECTION 5. Section 18521 of the Elections Code is amended to read:

18521. A person shall not directly or through any other person receive, agree, or contract for, before, during or after an election, any money, gift, loan, or other valuable consideration, office, place, or employment for himself or any other person because he or any other person:

(a) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for any particular person or measure.

(b) Remained away from the polls.

(c) Refrained or agreed to refrain from voting.

(d) *Voted or agreed to vote.*

(e) Induced any other person to:

(1) Remain away from the polls.

(2) Refrain from voting.

(3) Vote or refrain from voting for any particular person or measure.

(4) *Vote or agree to vote.*

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

SECTION 6. Section 20300 of the Elections Code is repealed.

20300. Upon leaving any elective office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, surplus campaign funds raised prior to January 1, 1989, under the control of the former candidate or officeholder or his or her controlled committee shall be used or held only for the following purposes:

(a) (1) The repayment of personal or committee loans or other obligations if there is a reasonable relationship to a political, legislative, or governmental activity.

(2) For purposes of this subdivision, the payment for, or the reimbursement to the state of, the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed to have a reasonable relationship to a political, legislative, or governmental activity, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars (\$5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made pursuant to this subdivision shall be made during the two years immediately following the date upon which the campaign funds became surplus

Text of Proposed Laws—Continued

campaign funds. The candidate or elected officer shall reimburse the surplus campaign fund account for the fair market value of the security system no later than two years immediately following the date upon which the campaign funds become surplus campaign funds; upon sale of the property on which the system is installed; or prior to the closing of the surplus campaign fund account, whichever comes first. The electronic security system shall be the property of the campaign committee of the candidate or elected officer.

(b) The payment of the outstanding campaign expenses.

(c) Contributions to any candidate, committee, or political party, except where otherwise prohibited by law.

(d) The pro rata repayment of contributors.

(e) Donations to any religious, scientific, educational, social welfare, civic, or fraternal organization no part of the net earnings of which inures to the benefit of any private shareholder or individual or to any charitable or nonprofit organization which is exempt from taxation under subsection (e) of Section 501 of the Internal Revenue Code or Section 17214 or Sections 23701a to 23701j, inclusive, or Section 23701f, 23701n, 23701p, or 23701s of the Revenue and Taxation Code.

(f) Except where otherwise prohibited by law, held in a segregated fund for future political campaigns; not to be expended except for political activity reasonably related to preparing for future candidacy for elective office.

SECTION 7. Section 82002.5 is added to the Government Code, to read:

82002.5. (a) "Advertisement" means any general or public communication that is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or ballot measures, including a television broadcast, a radio broadcast, a web site display, text placed in a newspaper or magazine of general circulation, a mass mailing, a sign larger than 1,000 square inches, or telephone messages that are similar in nature and aggregate 2,000 or more in number. Communications in additional forms of media may be classified as advertisements under future regulations promulgated by the commission.

(b) "Advertisement" does not include a communication from an organization, other than a political party, reasonably restricted to its members, a campaign button smaller than 10 inches in diameter, a bumper sticker smaller than 60 square inches, a yard sign smaller than 1,000 square inches, pens, pins, articles of clothing, handbills not distributed by mail, or other communication as determined by the commission.

SECTION 8. Section 82013 of the Government Code is amended to read:

82013. "Committee" means any person or combination of persons who directly or indirectly does any of the following:

(a) Receives contributions totaling one thousand dollars (\$1,000) or more in a calendar year.

(b) Makes independent expenditures totaling one thousand dollars (\$1,000) or more in a calendar year; or

(c) Makes contributions totaling ~~ten thousand dollars (\$10,000)~~ one hundred thousand dollars (\$100,000) or more in a calendar year to or at the behest of candidates or committees.

A person or combination of persons that becomes a committee shall retain its status as a committee until such time as that status is terminated pursuant to Section 84214.

SECTION 9. Section 82016 of the Government Code is amended to read:

82016. "Controlled committee" means a committee which is controlled directly or indirectly by a candidate or state measure proponent or opponent or which acts jointly with a candidate, controlled committee, or state measure proponent or opponent in connection with the making of expenditures. A candidate or state measure proponent or opponent controls a committee if he, his agent or any other committee he controls has a significant influence on the actions or decisions of the committee.

SECTION 10. Section 82025 of the Government Code is amended to read:

82025. "Expenditure" means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. For purposes of disclosure and contribution limits, "expenditure" shall include payments for any mass communications referring to a clearly identified candidate or ballot measure broadcast or distributed to the public within 45 days of an election in which the candidate is on the ballot and that any reasonable person would conclude was done for the purpose of influencing the election. If coordinated with a candidate or committee, such payments shall be an in-kind contribution to the candidate or committee. "Expenditure" does not include a candidate's use of his or her own money to pay for either a filing fee for a declaration of candidacy or a candidate statement prepared pursuant to Section 13307 of the Elections Code or any payment made for communications appearing in a news story, commentary, or editorial distributed through the facilities of a broadcast station, newspaper, magazine, or Internet provider, unless

the facilities are owned or controlled by a political party, committee, or candidate. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

SECTION 11. Section 83124 is added to the Government Code, to read:

83124. The commission shall adjust the contribution and spending limitations provisions in Chapter 5 (commencing with Section 85100) in October of every odd-numbered year to reflect any increase or decrease in the California Consumer Price Index. The adjustments shall be rounded to the nearest one thousand dollars (\$1,000) for the limitations on contributions and one hundred thousand dollars (\$100,000) for the limitations on expenditures.

SECTION 12. Section 84207 is added to the Government Code, to read:

84207. (a) Each state candidate or committee which is required to file an original campaign statement with the Secretary of State, that receives contributions or makes expenditures of twenty-five thousand dollars (\$25,000) or more in a calendar year, shall report each contribution of one thousand dollars (\$1,000) or more to the Secretary of State. The recipient of the contribution shall report the recipient's full name, street address, city, and ZIP Code, the committee identification number assigned by the Secretary of State, the date and amount of the contribution, and the office sought if the recipient is a candidate, or the ballot measure number or letter or, if none has yet been assigned, a brief description of the subject matter of the measure, if the recipient committee is a committee formed primarily to support or oppose a state ballot measure. The recipient shall also report the full name of the contributor, the contributor's street address, city, ZIP Code, occupation, and employer, or, if self-employed, the name of the business.

(b) Such contributions of one thousand dollars (\$1,000) or more shall be reported by electronic means pursuant to Chapter 4.6 (commencing with Section 84600) within 24 hours of receipt of the contribution.

(c) Each state candidate or committee that is required to file an original campaign statement with the Secretary of State, other than a committee of a political party, that makes cumulative expenditures of fifty thousand dollars (\$50,000) or more, or a committee of a political party that makes cumulative expenditures of two hundred thousand dollars (\$200,000) or more, since the filing of the last campaign expenditure report required by this article shall file an additional expenditure report with the Secretary of State, within 14 days of the expenditure, containing the following information:

(1) The name, street address, city, ZIP Code, and telephone number of the candidate or committee making the expenditure and of the committee's treasurer; and the committee identification number assigned by the Secretary of State.

(2) If the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks election. If the report is related to a ballot measure, the number or letter of the measure, or, if none has yet been assigned, a brief description of the subject matter of the measure.

(3) The total amount of expenditures during the period covered.

(4) The amount of expenditures for each person to whom an expenditure of one thousand dollars (\$1,000) or more has been made during the period covered by the report, including the recipient's full name and street address, the number assigned to the recipient committee, if any, and a brief description of the consideration for which each such expenditure was made.

(d) A candidate or committee subject to reporting pursuant to subdivisions (a) and (b) shall not be subject to the reporting requirements of Section 84203.

(e) Within 30 days of the campaign statement required to be filed pursuant to Section 84200, the Secretary of State shall determine who has contributed an aggregate total of ten thousand dollars (\$10,000) or more in a calendar year to all state candidates and to committees that are required to file original campaign statements with the Secretary of State. The Secretary of State shall send a form listing the compiled contributions of each such contributor and request that the contributor verify the compilation as to that contributor. The contributor, under penalty of perjury, shall reply within 30 days, verifying, denying, or amending the compilation provided by the Secretary of State. A contributor that fails to respond in a timely manner shall be liable to the Secretary of State for the penalty set forth in subdivision (a) of Section 91013 but any such liability shall not exceed one thousand dollars (\$1,000). A contributor shall not be held civilly or criminally liable for violating this section but may be the subject of an administrative action brought pursuant to Section 83116.

SECTION 13. Section 84305.5 of the Government Code is amended to read:

84305.5. (a) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on every insert included with each piece of slate mail in no

less than 8-point roman type font which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measure is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top of each side or surface of a slate mailer or at the top of each side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type font, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The statement "THIS IS A PAID POLITICAL ADVERTISEMENT" shall be printed in a font at least one point larger than any other font on the page, and the remainder of the notice shall be printed in 8-point size font. The notice shall consist of the following statement:

NOTICE TO VOTERS

THIS IS A PAID POLITICAL ADVERTISEMENT

THIS DOCUMENT WAS PREPARED BY (name of slate mailer organization or committee primarily formed to support or oppose one or more ballot measures), NOT AN OFFICIAL POLITICAL PARTY ORGANIZATION. All candidates and ballot measures designated by \$\$\$ have paid for their listing in this mailer. A listing in this mailer does not necessarily imply endorsement of other candidates or measures listed. Appearance in this mailer does not necessarily imply endorsement of others appearing in this mailer, nor does it imply endorsement of, or opposition to, any issues set forth in this mailer.

(3) Any reference to a ballot measure that has paid to be included on the slate mailer shall also comply with the provisions of Section 84503 et seq.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by \$\$\$ the notice "SPADS" next to and clearly associated with the candidate or ballot measure. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by \$\$\$ the notice. The \$\$\$

The notice required by this subdivision shall be of the same type size, type style, color or contrast, printed in boldface and at least the same font size and legibility as is used for the name of the candidate or the ballot measure name or number and position advocated to which the \$\$\$ designation notice applies except that in no case shall the \$\$\$ be required to be larger than 10-point boldface type. The designation notice shall immediately follow the name of the candidate, or the name or number and position advocated on the ballot measure where the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the name or number and position advocated on the ballot measure in boldface and at least the same font size as any other font relating to that candidate or ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party differing from the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the name, by the party designation of the candidate, in no less than 9-point roman type font which shall be in a color or print that contrasts with the background so as to be easily legible. The designation shall not be required in the case of candidates for nonpartisan office.

(6) Any candidate endorsement appearing in the slate mailer that differs from the official endorsement of the political party which the mailer appears by representation or indicia to represent is accompanied, immediately below the endorsement, in no less than 9-point boldface font which shall be in a color or print that contrasts with the background so as to be easily legible, the following notice: **THIS IS NOT THE POSITION OF THE** (political party which the mailer appears by representation or indicia to represent) **PARTY.**

(b) For purposes of the designations notice required by paragraph (4) of subdivision (a), the payment of any sum made reportable by subdivision (c) of Section 84219 by or at the behest of a candidate or committee, whose name or position appears in the mailer, to the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures, shall constitute a payment to appear, requiring the \$\$\$ designation notice. The payment shall also be deemed to constitute authorization to appear in the mailer.

(c) A slate mailer that complies with this section shall be deemed to satisfy the requirements of Sections 20003 and 20004 of the Elections Code.

SECTION 14. Article 5 (commencing with Section 84501) is added to Chapter 4 of Title 9 of the Government Code, to read:

Article 5. Disclosure in Advertisements

84501. For purposes of Sections 84503 and 84505, "cumulative contributions" means the cumulative contributions to a committee

placing an advertisement in which a disclosure pursuant to Section 84503 is required, beginning one year prior to and ending seven days prior to the time the advertisement is sent to the vendor.

84502. (a) In addition to the information required in the ballot pamphlet in Section 88001, and in the sample ballot in Section 13307 of the Elections Code, the top five contributors, if any, of twenty-five thousand dollars (\$25,000) or more to committees primarily formed to support or oppose a state ballot measure shall be listed in the ballot pamphlet in a manner determined by the commission, together with the aggregate amount of contributions made by those contributors. For purposes of this section, the top five contributors and their aggregate contributions shall be determined as of the date at which the text of the ballot pamphlet is subject to public review.

(b) Following the list of the top five contributors shall be the statement: "This list reflects only the top five financial contributors as of [insert the date of public review for the ballot pamphlet]."

84503. (a) Any advertisement for or against any state or local ballot measure shall include a disclosure statement identifying any person, other than an individual, whose cumulative contributions to the committee placing the advertisement are fifty thousand dollars (\$50,000) or more, or any individual whose cumulative contributions are two hundred fifty thousand dollars (\$250,000) or more.

(b) If there are more than two donors whose disclosure is required under subdivision (a), the committee is required to disclose only the highest and second highest in that order. In the event that more than two donors meet this disclosure threshold at identical contribution levels, the highest and second highest shall be selected according to the chronological order of their contributions.

(c) If candidates or their controlled committees, as a group or individually, meet the contribution thresholds for a person, they shall be identified by the controlling candidate's name but are not treated as an individual under subdivision (a).

84504. In addition to the requirements of Sections 84503 and 84505, the committee placing the advertisement or persons acting in concert with that committee shall be prohibited from creating or using a non-candidate controlled committee or a nonsponsored committee to avoid, or that results in the avoidance of, the disclosure of any business entity, controlled committee, or sponsored committee as a major funding source.

84505. If the expenditure for a mailing advertisement that expressly advocates the election or defeat of any state candidate is an independent expenditure, the committee shall disclose in the advertisement the names of the two persons, other than individuals, making the largest contributions in excess of twenty-five thousand dollars (\$25,000) to the committee making the independent expenditure. If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated.

84506. (a) Any disclosure statement required by this article shall be printed clearly and legibly in no less than 10-point roman font and in a conspicuous manner as defined by the commission for televised or printed advertisements, or shall be spoken so as to be clearly audible and understood by the intended public for radio or phone message advertisements.

(b) Phone calls that are advertisements shall disclose, during the course of the call, the name of the committee making the independent expenditure that paid for the call and the name of the donor if any, other than an individual, that has made the greatest contribution in dollar value greater than ten thousand dollars (\$10,000) to the independent expenditure committee.

84507. Notwithstanding the requirements of Sections 84503 and 84505, the committee shall not be required to disclose, in addition to the committee name, its major contributors in any advertisement that is:

(a) A radio broadcast of 15 seconds or less, or

(b) A newspaper, magazine, or other public print media advertisement which is 20 square inches or less.

84508. When a committee files an amended campaign statement pursuant to Section 81004.5, the committee shall change its advertisements to reflect the changed disclosure information.

84509. Any individual who appears in an advertisement paid for by a campaign committee or committees for or against a state or local ballot measure or candidate, and who is paid or promised payment of five thousand dollars (\$5,000) or more for that individual, or an organization controlled by the individual, from said campaign committee or from any donor of five thousand dollars (\$5,000) or more to said campaign committee, shall disclose that payment or promised payment in a manner prescribed by the commission. The campaign advertisement shall include the statement "(spokesperson's name) is being paid by this campaign or its donors" in highly visible roman font shown continuously if the advertisement consists of printed or televised

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material, or spoken in a clearly audible format if the advertisement is a radio broadcast or phone message.

84510. (a) In addition to the remedies provided for in Chapter 11 (commencing with Section 91000), any person who violates this article is liable in a civil or administrative action brought by the commission, or any person pursuant to the procedures set forth in Section 91007, for a fine of up to three times the cost of the advertisement, including placement costs, contributions, or expenditures.

(b) The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any provision of this article or who aids and abets any other person in a violation.

(c) If a judgment is entered against the defendant or defendants in an action brought under this section, the plaintiff shall receive 50 percent of the amount recovered. The remaining 50 percent shall be deposited in the General Fund of the State. In an action brought by a local civil prosecutor, 50 percent shall be deposited in the account of the agency bringing the action and 50 percent shall be paid to the general fund of the applicable jurisdiction.

84511. In addition to any reporting and disclosure requirements applicable to local candidates and committees, candidates and committees campaigning for or against a candidate or candidates or ballot measure or ballot measures in a local election, who raise or spend one hundred thousand dollars (\$100,000) or more in any single election held after January 1, 2002, or raise or spend fifty thousand dollars (\$50,000) or more in any single election held after January 1, 2003, shall be subject to the reporting and disclosure requirements applicable to state candidates of Section 84207 and this article, and the Internet campaign disclosure requirements of Chapter 4.7 (commencing with Section 84700). All such disclosures required pursuant to this section shall be sent to the appropriate local filing officer. However, if the filing officer lacks the technological capability of receiving or making available any of the information to be disclosed in the manner contemplated by this act, then the information shall be sent to the Secretary of State who shall receive and make the information available in the same manner as is done with respect to state candidates and state ballot measures.

SECTION 15. Chapter 4.7 (commencing with Section 84700) is added to Title 9 of the Government Code, to read:

CHAPTER 4.7. ACCESS TO CAMPAIGN MATERIALS

84700. This chapter shall be known and may be cited as the Access to Campaign Materials Act of 2000.

84701. (a) The Secretary of State, notwithstanding any other provision of law, shall establish and maintain a campaign web site on the largest nonproprietary, nonprofit cooperative public network of computer networks which includes a grid for each state candidate and each state ballot measure from the time the candidate files the statement of intention pursuant to Section 85200 or the proponents of a ballot measure apply for title and summary pursuant to a qualification drive. The Secretary of State shall establish and maintain similar campaign web sites for all local candidates covered under Section 84511.

(b) The campaign web site shall contain all registration information for each state candidate committee and state ballot measure committee as filed with the Secretary of State, and provide links to the online disclosure network of campaign contributions and expenditures specified in Section 84602 as well as links to private campaign web sites managed by campaign committees, when available.

(c) The campaign web site shall also contain dynamic, multimedia copies of all campaign advertisements authorized by state campaign committees that are received and processed by the Secretary of State pursuant to Section 84702.

(d) All data on the campaign web site shall be available to the public within 24 hours utilizing telecommunications technology, which assures convenient public access, including dynamic multimedia access when feasible, and preserves the integrity of the data against efforts to tamper with or subvert the data.

(e) All contribution and expenditure data required by this act to be filed shall be made available on the Secretary of State's web site within 24 hours in a form that is sortable by donor, city, state, ZIP Code, amount, date, employer, occupation, and other information determined by the Secretary of State.

84702. (a) A digital copy of any television, radio, or other electronically distributed campaign advertisement, authorized by the official campaign committee of each state candidate and state ballot measure, shall be filed with the Secretary of State within 24 hours after its release on the airwaves. The digital copy of each such broadcast advertisement shall be provided in a standard, dynamic multimedia format.

(b) A digital copy of any essentially similar printed campaign advertisement, authorized by the campaign committee of each state candidate and state ballot measure, which has been mailed to or otherwise distributed to at least 10,000 persons, shall be filed with the Secretary of State within 24 hours of its mailing or distribution.

(c) A digital copy of any telephone message, authorized by the

campaign committee of each state candidate and state ballot measure, which is provided in an essentially similar nature to 2,000 or more persons shall be filed with the Secretary of State within 24 hours after its initial use, in a standard, dynamic multimedia format.

(d) Transmission of the campaign advertisements as required by this section shall be made online or through CD-ROM, diskette, or other electronic means according to procedures and formats determined by the Secretary of State.

84703. Any committee which qualifies as an independent expenditure committee shall also provide a digital multimedia copy of each advertisement set forth in Section 84702 for or against a state candidate or state ballot measure, for inclusion on the campaign web site, in accordance with the requirements of this chapter for campaign committees.

84704. There is hereby appropriated from the General Fund of the State to the Secretary of State the sum of one million five hundred thousand dollars (\$1,500,000) in the first fiscal year and seven hundred fifty thousand dollars (\$750,000) in each subsequent fiscal year, adjusted for the cost-of-living changes, for expenditures related to the full and expedited implementation of this chapter, above and beyond any sum that is appropriated for operations of the Secretary of State other than for the implementation of this chapter. The first fiscal year's appropriation shall be made available to the Secretary of State within 60 days of the election at which this measure is approved, and such appropriation shall not be prorated based on that date. The appropriation shall be increased by the Legislature to the extent necessary to fully and effectively implement the provisions of this chapter.

SECTION 16. Section 85100 of the Government Code is repealed.

85100. This chapter shall be known as the California Political Reform Act of 1996.

SECTION 17. Section 85102 of the Government Code is repealed.

85102. The people enact this law to accomplish the following separate but related purposes:

(a) To ensure that individuals and interest groups in our society have a fair and equitable opportunity to participate in the elective and governmental processes.

(b) To minimize the potentially corrupting influence and appearance of corruption caused by excessive contributions and expenditures in campaigns by providing for reasonable contribution and spending limits for candidates.

(c) To reduce the influence of large contributors with a specific financial stake in matters before government by severing the link between lobbying and campaign fundraising.

(d) To lessen the potentially corrupting pressures on candidates and officeholders for fundraising by establishing sensible time periods for soliciting and accepting campaign contributions.

(e) To limit overall expenditures in campaigns, thereby allowing candidates and officeholders to spend a lesser proportion of their time on fundraising and a greater proportion of their time communicating issues of importance to voters and constituents.

(f) To provide impartial and noncoercive incentives that encourage candidates to voluntarily limit campaign expenditures.

(g) To meet the citizens' right to know the sources of campaign contributions, expenditures, and political advertising.

(h) To enact tough penalties that will deter persons from violating this chapter and the Political Reform Act of 1974.

SECTION 18. Section 85202 of the Government Code is amended to read:

85202. Unless specifically superseded by this act, the definitions and provisions of this title the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)) shall govern the interpretation of this law.

SECTION 19. Section 85300 of the Government Code is repealed.

85300. No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office.

SECTION 20. Section 85300 is added to the Government Code, to read:

85300. (a) No person, other than political party committees, shall make to any candidate or candidate's controlled committee, and no such candidate or candidate's controlled committee shall accept, a contribution or contributions totaling more than three thousand dollars (\$3,000) for state or local office, other than statewide office, or contribution or contributions totaling more than five thousand dollars (\$5,000) for statewide office, for each election in which the candidate is attempting to be on the ballot, is on the ballot, or is a write-in candidate.

(b) No person shall make to any committee that contributes to any candidate or makes expenditures for or against any candidate, and no such committee shall accept from each such person, a contribution or contributions totaling more than five thousand dollars (\$5,000) per calendar year. This subdivision shall not apply to candidate-controlled committees or political party committees.

(c) This section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.

SECTION 21. Section 85301 of the Government Code is repealed. 85301. (a) Except as provided in subdivision (a) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate's controlled committee for local office in districts with fewer than 100,000 residents, and no such candidate or the candidate's controlled committee shall accept from any person a contribution or contributions totaling more than one hundred dollars (\$100) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) Except as provided in subdivision (b) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate's controlled committee campaigning for office in districts of 100,000 or more residents, and no such candidate or the candidate's controlled committee shall accept from any such person a contribution or contributions totaling more than two hundred fifty dollars (\$250) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) Except as provided in subdivision (c) of Section 85402, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate's controlled committee for statewide office, and no such candidate or the candidate's controlled committee shall accept from any such person a contribution or contributions totaling more than five hundred dollars (\$500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(d) No person shall make to any committee that contributes to any candidate and no such committee shall accept from each such person a contribution or contributions totaling more than five hundred dollars (\$500) per calendar year. This subdivision shall not apply to candidate-controlled committees, political party committees, and independent expenditure committees.

(e) The provisions of this section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.

SECTION 22. Section 85301 is added to the Government Code, to read:

85301. No person shall give in the aggregate to political party committees of the same political party, and no such party committees combined shall accept from any person, a contribution or contributions totaling more than twenty-five thousand dollars (\$25,000) per calendar year to be used for the purpose of promoting the support or defeat of any specific candidate, transfers to candidates or their controlled committees, or any expenditure on advertising through electronic media, except that a candidate may distribute a portion of any surplus, residual or unexpended campaign funds to a political party committee. This section shall not apply to a committee established by a political party committee for the exclusive purpose of supporting or opposing a ballot measure provided that the committee established is not controlled by a candidate or an elected official.

SECTION 23. Section 85302 of the Government Code is repealed.

85302. No small contributor committee shall make to any candidate or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from a small contributor committee, a contribution or contributions totaling more than two times the applicable contribution limit for persons prescribed in Section 85301 or 85402, whichever is applicable.

SECTION 24. Section 85302 is added to the Government Code, to read:

85302. No more than 25 percent of the voluntary spending limits specified in this act at the time of adoption by the voters, subject to cost-of-living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate.

SECTION 25. Section 85303 of the Government Code is repealed.

85303. No person shall give in the aggregate to political party committees of the same political party, and no such party committees combined shall accept from any person, a contribution or contributions totaling more than five thousand dollars (\$5,000) per calendar year, except a candidate may distribute any surplus, residual, or unexpended campaign funds to a political party committee.

SECTION 26. Section 85303 is added to the Government Code, to read:

85303. (a) No candidate or the candidate's controlled committee for statewide office shall accept contributions prior to 12 months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) No candidate or the candidate's controlled committee for state office, other than statewide office, shall accept contributions prior to six months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular

election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) Notwithstanding subdivisions (a) and (b), candidates or their controlled committees may accept contributions at any time up to the lesser of 5 percent of the general election voluntary spending limits or fifty thousand dollars (\$50,000) per year to pay for legal expenses or campaign reporting expenses. Such expenditures shall not count against the voluntary spending limits.

(d) No candidate or the controlled committee of such candidate for state office shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after that date shall be used only to pay outstanding bills or debts owed by the candidate or controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits specified in this act, applied separately for each prior election for which debts are being retired, and such funds raised shall not count against the contribution limitations applicable for any election following the effective date of this act.

(e) Notwithstanding subdivision (d), funds may be collected at any time to pay for attorney's fees for litigation or administrative action that arises directly out of a candidate's or elected officer's alleged violation of state or local campaign, disclosure, or election laws or for a fine or assessment for violations of this act or the Political Reform Act of 1974, or for a recount or contest of the validity of an election, or for any expense directly associated with an external audit or unresolved tax liability of the campaign by the candidate or the candidate's controlled committee; provided the funds are collected pursuant to the contribution limits of this act.

(f) Contributions pursuant to subdivisions (c), (d) and (e) shall be considered contributions raised for the election in which the debts, fines, assessments, recounts, contests, audits, or tax liabilities were incurred and shall be subject to the contribution limits of this act.

SECTION 27. Section 85304 of the Government Code is repealed.

85304. No more than 25 percent of the recommended expenditure limits specified in this act at the time of adoption by the voters, subject to cost of living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate. Any expenditures made by a political party committee in support of a candidate shall be considered contributions to the candidate.

SECTION 28. Section 85304 is added to the Government Code, to read:

85304. No candidate, committee controlled by a candidate or officeholder, or ballot measure committee shall make any contribution to any other candidate running for office or his or her controlled committee or other ballot measure committee. This section shall not prohibit a candidate or proponent or opponent from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office or ballot measure campaign.

SECTION 29. Section 85305 of the Government Code is repealed.

85305. (a) In districts of fewer than 1,000,000 residents, no candidate or the candidate's controlled committee shall accept contributions more than six months before any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) In districts of 1,000,000 residents or more and for statewide elective office, no candidate or the candidate's controlled committee shall accept contributions more than 12 months before any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) No candidate or the controlled committee of such candidate shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after that date shall be used only to pay outstanding bills or debts owed by the candidate or controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits specified in Article 3 (commencing with Section 85300) of this act, applied separately for each prior election for which debts are being retired, and such funds raised shall not count against the contribution limitations applicable for any election following the effective date of this act.

(d) Notwithstanding subdivision (c), funds may be collected at any time to pay for attorney's fees for litigation or administrative action which arises directly out of a candidate's or elected officer's alleged violation of state or local campaign, disclosure, or election laws or for a fine or assessment imposed by any governmental agency for violations of this act or this title, or for a recount or contest of the validity of an

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election, or for any expense directly associated with an external audit or unresolved tax liability of the campaign by the candidate or the candidate's controlled committee; provided such funds are collected pursuant to the contribution limits of this act.

(e) Contributions pursuant to subdivisions (c) and (d) of this provision shall be considered contributions raised for the election in which the debts, fines, assessments, recounts, contests, audits, or tax liabilities were incurred and shall be subject to the contribution limits of that election.

SECTION 30. Section 85305 is added to the Government Code, to read:

85305. Any campaign contribution to a candidate or candidate's controlled committee received after the election at which the measure adding this section is approved, and prior to the permissible fundraising period for each elective office set forth in Section 85303, shall not be used to support or oppose the election of any candidate for such elective office held after the effective date of this act.

SECTION 31. Section 85306 of the Government Code is repealed.

85306. No candidate and no committee controlled by a candidate or officeholder, other than a political party committee, shall make any contribution to any other candidate running for office or his or her controlled committee. This section shall not prohibit a candidate from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office.

SECTION 32. Section 85306 is added to the Government Code, to read:

85306. (a) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to all contribution limitations.

(b) No candidate shall personally make outstanding loans to his or her campaign or campaign committee that total at any one point in time more than fifty thousand dollars (\$50,000) in the case of any candidate, except for candidates for Governor, or one hundred thousand dollars (\$100,000) in the case of candidates for Governor. Nothing in this act shall prohibit a candidate from making unlimited contributions to his or her own campaign.

SECTION 33. Section 85307 of the Government Code is repealed.

85307. (a) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to all contribution limitations.

(b) Extensions of credit for a period of more than 30 days, other than loans from financial institutions given in the normal course of business, are subject to all contribution limitations.

(c) No candidate shall personally make outstanding loans to his or her campaign or campaign committee that total at any one point in time more than twenty thousand dollars (\$20,000) in the case of any candidate, except for candidates for governor, or fifty thousand dollars (\$50,000) in the case of candidates for governor. Nothing in this chapter shall prohibit a candidate from making unlimited contributions to his or her own campaign.

SECTION 34. Section 85307 is added to the Government Code, to read:

85307. (a) Contributions by a husband and wife shall not be aggregated.

(b) Contributions by children under 18 shall be treated as contributions attributed equally to each parent or guardian.

SECTION 35. Section 85308 is added to the Government Code, to read:

85308. No person shall contribute in the aggregate more than fifty thousand dollars (\$50,000) to all state candidates and the state candidates' controlled committees per election. Contributions from political parties shall be exempt from this provision.

SECTION 36. Section 85309 is added to the Government Code, to read:

85309. All payments made by a person established, financed, maintained, or controlled by any business entity, labor organization, association, political party, or any other person or group of such persons shall be considered to be made by a single person.

SECTION 37. Section 85310 is added to the Government Code, to read:

85310. A for-profit corporation or joint stock company shall not make direct contributions from general treasury funds to candidates or to committees primarily formed to support or oppose a candidate or candidates.

SECTION 38. Section 85311 is added to the Government Code, to read:

85311. Notwithstanding Section 85309, the costs of internal communications to members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or measures shall not be considered a contribution or independent expenditure under this act, provided such payments are not for the costs of campaign materials or activities used in connection with broadcasting, newspaper, billboard, or similar type of general public communication. This section does not

apply to communications by political parties, whose contributions to candidates are governed by Section 85302.

SECTION 39. Section 85312 is added to the Government Code, to read:

85312. Any committee that accepts a contribution that is not from the person listed on the check or subsequent campaign disclosure statements shall be liable to pay to the state the entire amount of the laundered contribution. The liability imposed by this section shall extend to any committee controlled by a candidate or elected official, whether the committee was organized before or after the laundered contribution was accepted, if the controlling candidate or elected official controlled the committee that received the laundered contribution. The statute of limitations shall not apply to this provision, and repayments to the state shall be made as long as the committee has any funds sufficient to pay the state.

SECTION 40. Section 85313 is added to the Government Code, to read:

85313. The cost of any advertisement in support of or in opposition to a ballot measure that is paid for by a committee controlled by a candidate appearing on the same ballot as the ballot measure, and who is prominently featured in the advertisement, shall be deemed an in-kind contribution from the committee and the contribution shall be subject to the limitations of Section 85300. The commission shall draft appropriate regulations to implement the purposes of this section.

SECTION 41. Article 4 (commencing with Section 85400) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 4. Campaign Spending Limits and Public Support

85400. (a) Each candidate for state office shall file a statement of acceptance or rejection of the voluntary spending limits prescribed in Section 85401 upon filing the statement of intention pursuant to Section 85200. A candidate who wishes to retain the option of contributing personal funds to his or her own campaign in excess of one-half of the voluntary spending limits must file a statement so indicating at this same time.

(b) Each state ballot initiative committee shall file a statement of acceptance or rejection of the voluntary spending limits prescribed in Section 85401 within 30 days of applying for title and summary for official proponents of a ballot initiative or upon receiving contributions or making expenditures of one thousand dollars (\$1,000) or more either for or against a ballot initiative for other persons.

(c) Any candidate or committee that neglects to file the statement indicating acceptance of the voluntary spending limits by the appropriate date shall be assumed to have rejected the voluntary spending limits.

(d) Any violation of the pledge to abide by the voluntary spending limits shall be subject to a fine of five thousand dollars (\$5,000) or three times the amount of expenditures in excess of the spending limits, whichever is greater.

85401. (a) No candidate for state office, and no proponent or opponent of a state ballot initiative, who voluntarily accepts spending limits and any controlled committee of such a candidate or proponent or opponent, shall make campaign expenditures above the following amount:

(1) For an Assembly candidate, three hundred thousand dollars (\$300,000) in the primary or special primary election and four hundred thousand dollars (\$400,000) in the general, special, or special runoff election.

(2) For a Senate candidate or a candidate for the State Board of Equalization, five hundred thousand dollars (\$500,000) in the primary or special primary election and eight hundred thousand dollars (\$800,000) in the general, special, or special runoff election.

(3) For a statewide candidate, other than Governor, one million five hundred thousand dollars (\$1,500,000) in the primary election and two million dollars (\$2,000,000) in the general, special, or special runoff election. Expenditures for postage for a statewide candidate, other than postage for slate mailers, shall be exempt from the spending limits.

(4) For Governor, six million dollars (\$6,000,000) in the primary election and ten million dollars (\$10,000,000) in the general, special, or special runoff election. Expenditures for postage for a gubernatorial candidate, other than postage for slate mailers, shall be exempt from the spending limits.

(5) For a state ballot initiative, six million dollars (\$6,000,000) per election. Expenditures for postage for a state ballot initiative, other than postage for slate mailers, shall be exempt from the spending limits. Direct expenditures for signature-gathering purposes by an initiative proponent committee prior to the submission of the qualifying signatures shall also be exempt from the spending limits.

(b) Candidates and committees who accept the voluntary spending limits also agree to accept no more than one hundred thousand dollars (\$100,000) or 10 percent of their voluntary spending limit amounts, whichever is greater, from any single donor other than committees of a political party.

(c) Any candidate or committee who declines to accept the voluntary spending limits upon the filing deadline shall not be eligible to receive the benefits accompanying such an agreement specified in this act.

85402. For purposes of the spending limits for candidates, campaign expenditures made at any time up to and including the date of the primary, special primary, or special election shall be considered expenditures for that election, and campaign expenditures made after the date of such election shall be considered expenditures for the general or runoff election. However, in the event that payments are made but the goods or services are not used during the period purchased, the payments shall be considered campaign expenditures for the time period in which the goods or services are used. Payments for goods and services used in both periods shall be prorated.

85403. (a) If a candidate declines to accept voluntary spending limits and receives contributions, has cash on hand, or makes qualified expenditures equal to 75 percent or more of the voluntary spending limit for that office, the voluntary spending limit shall be two and one-half times the limit specified in this act for any candidate running for the same elective office.

(b) If a candidate declines to accept voluntary spending limits, has retained the option of contributing to his or her own campaign over one-half the voluntary spending limit, and has subsequently contributed to his or her own campaign 25 percent or more of the voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this act for any candidate running for the same elective office.

(c) If the committee or committees either in support or in opposition to a state ballot measure have in aggregate raised or spent over 100 percent of the voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this act.

(d) If an independent expenditure committee or committees in the aggregate spend in support or opposition to a state candidate or ballot measure more than 50 percent of the applicable voluntary spending limit, the voluntary spending limit shall be two and one-half times the limit specified in this act for any candidate running for the same elective office or any committee campaigning for or against the same ballot measure.

(e) The commission shall require, by regulation, candidates, committees supporting or opposing ballot measures, and independent expenditure committees subject to this section to provide sufficient notice to the commission and to all candidates for the same office and appropriate committees that they are approaching and exceeding the thresholds set forth in this section.

85404. (a) The Secretary of State and local elections officers shall prominently designate in the ballot pamphlet, the sample ballot, and the voter information packet those candidates and proponents and opponents of state initiative measures who have voluntarily agreed to the spending limits of this act. The commission shall prescribe by regulation the method or methods of that designation.

(b) In addition to the disclosure requirements for campaign advertisements specified in Section 84503, candidates and ballot initiative committees shall disclose in each electronic media advertisement, in a highly conspicuous manner to be determined by the commission, a reasonable estimate of the dollar amount of total campaign expenditures made by the campaign committee at the time the advertisement airs. The expenditure estimates shall be rounded to a unit of either one million dollars (\$1,000,000) or the voluntary spending limit for that office or campaign, whichever is greater. In the event that the estimate of expenditures would round to zero, the campaign may at its discretion either disclose that it has spent less than the disclosure amount or may waive the disclosure requirement. In no event shall a campaign be required to change the disclosure in an advertisement more frequently than once every three days.

SECTION 42. Section 89519 of the Government Code is repealed.

89519. Any campaign funds in excess of expenses incurred for the campaign or for expenses specified in subdivision (d) of Section 85305, received by or on behalf of an individual who seeks nomination for election, or election to office, shall be deemed to be surplus campaign funds and shall be distributed within 90 days after withdrawal, defeat, or election to office in the following manner:

(a) No more than ten thousand dollars (\$10,000) may be deposited in the candidate's officeholder account; except such surplus from a campaign fund for the general election shall not be deposited into the officeholder account within 60 days immediately following the election.

(b) Any remaining surplus funds shall be distributed to any political party, returned to contributors on a pro rata basis, or turned over to the General Fund.

SECTION 43. Section 89519 is added to the Government Code, to read:

89519. Any campaign funds in excess of expenses incurred for the campaign or for expenses specified in subdivision (d) of Section 85303, received by or on behalf of an individual who seeks nomination for election, or election to office, shall be deemed to be surplus campaign funds and shall be distributed within 90 days after withdrawal, defeat,

or election to office either to any political party, or to the General Fund of the State, or shall be returned to contributors on a pro rata basis.

SECTION 44. Article 5 (commencing with Section 85500) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 5. Campaign Advertising Media Credit Program

85500. Candidates for statewide office, the committee or committees so designated by official proponents, and opponents of state initiative measures and their controlled committees who have agreed to the voluntary spending limits prescribed in this act, and who have met the qualification requirements specified in Article 6 (commencing with Section 85600) shall be eligible to receive public media credits to be used to purchase broadcast time for campaign advertisements.

85501. (a) Campaign broadcasting media credits awarded to qualified candidates and qualified proponents and opponents of state initiative measures shall be in the following amounts:

(1) For office of Governor or a state initiative measure, up to a limit of one million dollars (\$1,000,000) per election.

(2) For other statewide elective office, up to a limit of three hundred thousand dollars (\$300,000) per election.

(b) A candidate or committee who is eligible to receive campaign broadcasting media credits shall receive media credits on the basis of the following formulas:

(1) For any dollar amount of a contribution or contributions amounting to the first one hundred dollars (\$100) or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of ten dollars (\$10) in media credits for each dollar received.

(2) For any dollar amount of a contribution or contributions amounting in excess of one hundred dollars (\$100) up to the first one thousand dollars (\$1,000) or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of two dollars (\$2) in media credits for each dollar received.

(c) The total payments from the campaign advertising media credits by the designated candidate or proponent or opponent and their controlled committees, when added to the total campaign expenditures by such candidate or proponent or opponent and their controlled committees, shall not exceed the amount that may be expended by those persons pursuant to this act.

(d) Only the campaign committee so designated by the official proponents of an initiative campaign shall be eligible for media credits. Campaign committees opposing a ballot initiative shall be awarded matching fund media credits on a first-come, first-served basis, up to the aggregate limit of one million dollars (\$1,000,000) in media credits for all such opposition committees. Only campaign committees that limit their expenditures to supporting or opposing a single ballot measure shall be eligible for media credits.

85502. Campaign broadcasting media credits shall be used exclusively to finance the purchase of advertising time on television, radio, or other telecommunications medium as determined by the commission for campaign purposes on behalf of the candidacy of the recipient candidate or for the promotion or defeat of the initiative measure represented by the proponent or opponent and their controlled committees.

85503. (a) The campaign advertising media credit program shall be funded by the General Fund of the State.

(b) The commission shall promulgate regulations for the authorization of issuing campaign advertising media credits by the Controller to eligible persons. These regulations shall include the promulgation and distribution of forms on which such expenditures are to be reported, the verification required, and the procedures for repayment by the candidate or proponent or opponent and their controlled committees in those cases where a subsequent audit discloses that the expenditures either had not been incurred or did not fulfill the requirements of this act.

85504. Total public funds allocated under this act for the provision of campaign advertising media credits for use by candidates or committees shall amount to one dollar (\$1) per income taxpayer of the State of California per fiscal year, deposited into the fund on July 1 of each year, starting July 1, 2000, adjusted for inflation and rounded to the nearest ten cents (\$0.10). Media credits shall be paid to candidates and ballot measure committees from this fund on a first-come, first-served basis up to the limit available in the fund each year. Public funds may be appropriated for this purpose in excess of one dollar (\$1) per taxpayer per year only by approval by a vote of the people. Unspent public funds for this purpose shall be carried over from year to year.

SECTION 45. Article 6 (commencing with Section 85600) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 6. Major Candidates and Qualified Official Proponents and Opponents of State Initiative Measures

85600. Primary and special primary election candidates eligible to participate in the campaign advertising media credit program specified in Section 85500, or the voter information packet program specified in

Text of Proposed Laws—Continued

Section 88100, shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is declared a "major candidate" eligible for public funding assistance pursuant to this act upon submitting qualification petitions to the county registrars with valid signatures of registered voters amounting to:

(1) For office of Governor, 10 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

(2) For other statewide office, 3 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

(3) For the offices of State Senate and State Board of Equalization, 2,500 valid signatures.

(4) For the office of State Assembly, 1,000 valid signatures.

(b) Signatures shall be from registered voters able to vote for the candidate in question.

(c) Qualification petitions shall clearly state at the top of each petition in 18-point boldface font: "We the undersigned are seriously considering voting for this candidate in the next election." The statement of intent shall be immediately followed in the same legible font by the name and address of the candidate, the party affiliation of the candidate unless the elective office is nonpartisan, the office sought for election by the candidate, and the date of the election. The Secretary of State shall promulgate rules and regulations governing the format of qualification petitions.

(d) Verification of qualification petition signatures shall be conducted by county election officials in accordance with signature-verification procedures established for state initiative measures to be paid for from the General Fund of the State.

85601. General, special, and special runoff election candidates eligible to participate in the campaign advertising media credit program specified in Article 5 (commencing with Section 85500) or the voter information packet program specified in Section 88100 shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is a "major candidate" eligible for all of the benefits of the public funding programs if the candidate received at least 12 percent of votes cast for that office in the preceding primary or special primary election.

(b) A candidate is eligible for 20 percent of the total value of the campaign advertising media credit program specified in Section 85500 if that candidate received at least 5 percent but less than 12 percent of votes cast for that office in the preceding primary or special primary election. Such candidate shall be eligible for the total public funding benefits of the voter information packet program specified in Section 88100.

(c) A candidate is eligible for the total public funding benefits of the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election. Such candidate shall not be eligible to participate in the campaign advertisement media credit program specified in Section 85500.

85602. The official proponents and opponents of a state initiative measure shall be eligible for participation in the campaign advertising media credit program specified in Section 85500 and the voter information packet program specified in Section 88100 upon meeting the following conditions:

(a) Qualification of the initiative for the next statewide ballot.

(b) Voluntarily agreeing to comply to the spending limits prescribed in this act.

(c) The proponent or opponent is not a candidate for state office.

85603. (a) A candidate or proponent of a state initiative measure shall not be eligible for participation in the campaign advertising media credit program in Article 5 (commencing with Section 85500) or for public funding assistance under the voter information packet program in Chapter 8.5 (commencing with Section 88100) if that candidate or proponent is unopposed in the election. A write-in candidate or none-of-the-above option shall not constitute an opposition candidate for the purposes of this act.

(b) An opponent of a state initiative measure shall not be eligible for participation in the campaign advertising media credit program in Article 5 (commencing with Section 85500) or for public funding assistance in the voter information packet program in Chapter 8.5 (commencing with Section 88100) if the official proponent withdraws support for the measure and no other proponent qualifies.

(c) The Secretary of State shall promulgate regulations for determining whether an official proponent has withdrawn support for a state initiative measure.

SECTION 46. Chapter 8.5 (commencing with Section 88100) is added to Title 9 of the Government Code, to read:

CHAPTER 8.5. VOTER INFORMATION PACKET PROGRAM

88100. There shall be a "voter information packet" which shall be

prepared and distributed by the Secretary of State to all households containing registered voters four times per election. One voter information packet shall be mailed to arrive no more than 90 days but no less than 60 days prior to the election, a second packet shall be mailed to arrive no more than 60 days but no less than 30 days prior to the election, a third packet shall be mailed to arrive no more than 30 days but no less than 20 days prior to the election, and another packet shall be mailed to arrive no more than 10 days prior to the election.

88101. (a) Each state candidate and each official proponent and opponent of a state initiative measure and their controlled committees may at their own cost design and print a single sheet campaign advertisement to be inserted in the voter information packet. Any campaign advertising information may be included on the inserts within the constraints of the law. Each insert must clearly be labeled as to source, including the name, street address and city of the candidate or proponent or opponent, printed in 12-point boldface roman font that is clearly legible.

(b) All submissions to the voter information packet shall be available for public examination for four days prior to mailing. Any elector may seek a writ of mandate requiring an advertisement submitted to the voter information packet to be amended or deleted upon clear and convincing proof that the advertisement is false or misleading. Expedited review for a proceeding under this section shall be exclusively in Sacramento County.

(c) For a ballot initiative with multiple opponents, the opponent provided this opportunity shall be the opponent or its designee selected by the Secretary of State to provide the opposition statement for the official ballot pamphlet.

88102. (a) The voter information packet shall be prepared according to the following format and procedures:

(1) Each candidate or official proponent or opponent shall design and print sufficient copies of a campaign insert 8.5 x 11 inches in size on paper no greater in weight than that specified by the Secretary of State.

(2) The candidate and proponent and opponent shall submit the inserts for inclusion in the voter information packet by the deadline determined by the Secretary of State's Office.

(3) The Secretary of State shall prepare and distribute the voter information packet which includes each insert compiled in the order that the races are to appear on the ballot.

(4) The voter information packet envelopes shall be clearly labeled "Important Election Information from the Secretary of State."

(b) The costs for major candidates and qualified proponents and opponents of state initiative measures as specified in Section 85600, voluntarily complying with the spending limits set forth in this act, shall be paid for from the General Fund of the State.

(c) Candidates and proponents and opponents of state initiative measures and their controlled committees not choosing to limit their campaign expenditures in accordance with this act, and state candidates and proponents and opponents of state initiative measures otherwise not eligible for public funding, may also submit an insert for publication and distribution with the voter information packet, but shall be charged the pro rata costs of preparing, printing, handling, and mailing of the packets. The pro rata costs shall be calculated among those candidates and committees submitting inserts but not participating in, or otherwise ineligible for, public funding as provided in this act, but not to exceed 10 percent of the total cost of preparing, printing, handling, and mailing the packets for each payor.

SECTION 47. Section 89001 of the Government Code is amended to read:

89001. No newsletter or other mass mailing, other than official election materials established by the Political Reform Act of 1974, as amended, and the California Voters Bill of Rights, shall be sent at public expense.

SECTION 48. Appropriations

(a) The Legislature shall make the necessary appropriations to finance the requirements of this act each fiscal year that this act remains in effect.

(b) There is hereby appropriated from the General Fund of the State to the Fair Political Practices Commission the sum of one million dollars (\$1,000,000) annually above and beyond the appropriations established for the commission in the fiscal year immediately prior to the effective date of this act, adjusted for cost-of-living changes, for expenditures to support the operations of the commission pursuant to this act.

SECTION 49. Construction

This act shall be liberally construed to accomplish its purposes.

SECTION 50. Applicability of Other Laws

Nothing in this law shall exempt any person from applicable provisions of any other laws of this state.

SECTION 51. Legislative Amendments

The statutory provisions of this act applicable to the Government Code or the Elections Code may be amended by the Legislature, to further the purposes and intent of this act, passed in each house by rollcall vote entered into the journal, two-thirds of the membership concurring and signed by the Governor, if at least 12 days prior to

passage in each house the bill has been delivered to the Secretary of State and the commission for distribution to the public.

SECTION 52. Severability

If any provision of this law, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this law are severable.

SECTION 53. California Supreme Court

The California Supreme Court shall, to the fullest extent possible, reform any provisions of this initiative that it, or any federal court, determines to be unconstitutional or contrary to any superseding provision of law in order that such provisions carry out the purposes of the initiative.

SECTION 54. Status of Proponents

The proponents of this initiative shall be included among any

defendants in any judicial challenge to any provision of this initiative.

SECTION 55. Effective Date

All other provisions shall become effective January 1, 2001, except as otherwise stated by this measure.

SECTION 56. Section References

For purposes of this act, except as otherwise specified, all references to sections shall be to those in effect on January 1, 1999.

SECTION 57. Amendment to Political Reform Act

(a) This act shall amend the Political Reform Act of 1974, as amended, and all of its provisions that do not conflict with this act shall apply to the provisions of this act, except as provided by subdivision (b).

(b) If Proposition 208, as approved by voters in the November 5, 1996, statewide general election, is reinstated by the courts, Sections 85301 to 85312, inclusive, of the Government Code and Section 45 of Proposition 208 shall prevail over conflicting provisions of this act. All other provisions of this act shall be appropriately codified and take effect as permitted by law.

Proposition 26: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends the California Constitution and the Education Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

THE MAJORITY RULE ACT FOR SMALLER CLASSES, SAFER SCHOOLS, AND FINANCIAL ACCOUNTABILITY

SECTION 1. TITLE

This act shall be known as the Majority Rule Act for Smaller Classes, Safer Schools, and Financial Accountability.

SEC. 2. FINDINGS AND DECLARATIONS

The people of the State of California find and declare as follows:

(a) Investing in education is crucial if we are to prepare our children for the 21st century.

(b) We need to make sure our children have access to the learning tools of the 21st century like computers and the Internet, but most California classrooms do not have access to these technologies.

(c) We need to build new classrooms to facilitate class size reduction, so our children can learn basic skills like reading and mathematics in an environment that ensures that California's commitment to class size reduction does not become an empty promise.

(d) We need to repair and rebuild our dilapidated schools to ensure that our children learn in a safe and secure environment.

(e) Students in public charter schools should be entitled to reasonable access to a safe and secure learning environment.

(f) We need to give local citizens and local parents the ability to build those classrooms by majority vote local elections so each community can decide what is best for its children.

(g) We need to ensure accountability so that funds are spent prudently and only as directed by citizens of the community.

SEC. 3. PURPOSE AND INTENT

In order to prepare our children for the 21st century, to implement class size reduction, to ensure that our children learn in a secure and safe environment, and to ensure that school districts are accountable for prudent and responsible spending for school facilities, the people of the State of California do hereby enact the Majority Rule Act for Smaller Classes, Safer Schools, and Financial Accountability. This measure is intended to accomplish its purposes by amending the California Constitution and the Education Code:

(a) To provide an exception to the limitation on ad valorem property taxes and the two-thirds vote requirement to allow school districts, community college districts, and county offices of education to equip our schools for the 21st century, to provide our children with smaller classes, and to ensure our children's safety by repairing, building, furnishing, and equipping school facilities;

(b) To require school district boards, community college boards, and county offices of education to evaluate safety, class size reduction, and information technology needs in developing a list of specific projects to present to the voters;

(c) To ensure that before they vote, voters will be given a list of specific projects their bond money will be used for;

(d) To require an annual, independent financial audit of the proceeds from the sale of the school facilities bonds until all of the proceeds have been expended for the specified school facilities projects; and

(e) To ensure that the proceeds from the sale of school facilities bonds are used for specified school facilities projects only, and not for teacher and administrator salaries and other school operating expenses, by requiring an annual, independent performance audit to ensure that the funds have been expended on specific projects only.

SEC. 4. Section 1 of Article XIII A of the California Constitution is amended to read:

Section 1. (a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on ~~(1) any indebtedness of the following:~~

(1) Indebtedness approved by the voters prior to July 1, 1978 ; or (2) any bonded .

(2) Bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by a majority of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in this paragraph, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(c) Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts, and county offices of education may levy a majority vote ad valorem tax pursuant to subdivision (b).

SEC. 5. Section 18 of Article XVI of the California Constitution is amended to read:

SEC. 18. (a) No county, city, town, ~~township~~, board of education, or school district ; shall incur any indebtedness or liability , in any manner or for any purpose , exceeding in any year the income and revenue provided for ~~such that year, without the assent of~~ *unless the indebtedness or liability is approved by* two-thirds of the ~~qualified electors thereof, voters of the public entity voting at an election to be held for that purpose, except provided that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the qualified electors of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such the indebtedness provision shall be~~ *is made for the collection of an annual tax sufficient to pay the interest on such the indebtedness as it falls due; and also provision to*

Text of Proposed Laws—Continued

constitute for a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty 40 years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when indebtedness.

(b) Notwithstanding subdivision (a), on or after the effective date of the measure adding this subdivision, in the case of any school district, community college district, or county office of education, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, shall be adopted upon the approval of a majority of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A.

(c) When two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority of the qualified electors voters, as the case may be, voting on any one of such those propositions, vote in favor thereof, such the proposition shall be deemed adopted.

SEC. 6. Section 47614 of the Education Code is amended to read:

47614. A school district in which a charter school operates shall permit a charter school to use, at no charge, facilities not currently being used by the school district for instructional or administrative purposes; or that have not been historically used for rental purposes provided the charter school shall be responsible for reasonable maintenance of those facilities: (a) The intent of the people in amending this section is that public school facilities should be shared fairly among all public school pupils, including those in charter schools.

(b) Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

(1) The school district may charge the charter school a pro rata share (based on the ratio of space allocated by the school district to the charter school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students.

(2) Each year, each charter school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the charter school's average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the charter school for that following year based upon this projection. If the charter school, during that following year, generates less average daily classroom attendance by in-district students than it projected, the charter school shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.

(3) Each school district's responsibilities under this section shall take effect on July 1, 2003, or if the school district passes a school bond measure in the years 2000, 2001, or 2002, on the first day of July next following such passage.

(4) Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.

(5) The term "operating," as used in this section, shall mean either currently providing public education to in-district students, or having identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.

(6) The State Department of Education shall propose, and the State Board of Education may adopt, regulations implementing this subdivision, including, but not limited to, defining the terms "average daily classroom attendance," "conditions reasonably equivalent," "in-district students," and "facilities costs," as well as defining the procedures and establishing timelines for the request for, reimbursement for, and provision of, facilities.

SEC. 7. CONFORMITY

The Legislature shall conform all applicable laws to this act. Until the Legislature has done so, any statutes that would be affected by this act shall be deemed to have been conformed with the majority vote requirements of this act.

SEC. 8. SEVERABILITY

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable.

SEC. 9. AMENDMENT

Section 6 of this measure may be amended to further its purpose by a bill passed by a majority of the membership of both houses of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and the news media.

SEC. 10. LIBERAL CONSTRUCTION

The provisions of this act shall be liberally construed to effectuate its purposes.

Proposition 27: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds a section to the Elections Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

Section 1. Title

This measure shall be known and may be cited as the "Congressional Term Limits Declaration Act of 1998."

Section 2. Findings and Declarations of Purpose

(a) The State of California allows a candidate's political party affiliation and profession, vocation, or occupation to appear on the ballot.

(b) A candidate's party designation informs the people of certain basic choices a candidate will make with respect to the candidate's service in public office. Party designations are allowed because they may help the people discern what kind of representative the candidate will make.

(c) Many candidates currently inform the people of how many terms of office they intend to serve, but in an unofficial and unaccountable way.

(d) A candidate's position on voluntarily limiting his or her service helps the people discern what kind of representative the candidate will make to such an extent that the people of the State of California declare their desire to enact the Congressional Term Limits Declaration Act of 1998.

Section 3. Voluntary Term Limits Declaration

Section 13107.5 is added to the Elections Code, to read:

13107.5. (a) *Any person seeking to be elected to the United States Congress may submit to the Secretary of State, no later than 15 days prior to the certification of all congressional election ballots, an executed copy of any one of the following declarations but is not required to submit a declaration. If a candidate does not submit a declaration as described by this section, the Secretary of State may not, on that account, refuse to place his or her name on the official ballot.*

Term Limits Declaration One

Part A: I, _____, voluntarily declare that, if elected, I will not serve in the United States [House of Representatives more than 3 terms] [Senate more than 2 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, _____, authorize and request the Secretary of State to place the applicable ballot designation, "Signed declaration to limit service to [3 terms] [2 terms]" or "Running for () term after declaring to limit service to no more than [3 terms] [2 terms]" next to my

name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration One refers.

Signature by candidate executes Part B Date

If the candidate chooses not to execute any or all parts of the above declaration, then he or she may execute and submit to the Secretary of State any or all parts of the following declaration:

Term Limits Declaration Two

Part A: I, _____, have voluntarily chosen not to sign Term Limits Declaration One. If I had signed this declaration, I would have voluntarily agreed to limit my service in the United States [House of Representatives to no more than 3 terms] [Senate to no more than 2 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, _____, authorize and request the Secretary of State to place the ballot designation, "Chose not to sign declaration to limit service to [3 terms] [2 terms]" next to my name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration Two refers.

Signature by candidate executes Part B Date

(b) In the ballot designations in this section, the Secretary of State shall incorporate the applicable language in brackets [] for the office the candidate seeks and shall calculate and put in place of the empty parentheses () the number of the term of office that the candidate seeks after the effective date of this section. However, service prior to January 1, 1999 may not be included in the calculation, and the terms shall be calculated without regard to whether the terms were served consecutively.

(c) The Secretary of State shall allow any candidate who at any time has submitted an executed copy of Term Limits Declaration Two to submit an executed copy of Term Limits Declaration One in accordance with this section, at which time all subdivisions affecting Term Limits Declaration One shall apply.

(d) Except when subdivision (e) applies, if a candidate has submitted an executed declaration, and the candidate is not elected to the office which that candidate sought, the executed term limits declaration will not be in effect for any future election. That candidate may resubmit any executed declaration in this section for a future election, pursuant to this section.

(e) If a candidate has submitted an executed copy of Term Limits Declaration One, and the candidate is elected to the office which that candidate sought, that executed declaration shall remain in effect for all future elections for that same office.

(f) Except when subdivision (d) applies, the Secretary of State shall place on that part of the official election ballot and in all state-sponsored voter education material, immediately following the name of each candidate who has executed and submitted Parts A and B of Term Limits Declaration One, either the words, "Signed declaration to limit service to [3 terms] [2 terms]" or, for any candidate who has executed and submitted Parts A and B of Term Limits Declaration One and thereafter qualifies as a candidate for a term that would exceed the number of terms set forth in Term Limits Declaration One, the words, "Running for () term after declaring to limit service to no more than [3 terms] [2 terms]". Except when subdivision (d) applies, the Secretary of State shall place on that part of the official election ballot and in all state-sponsored voter education material, immediately following the name of each candidate who has executed and submitted Parts A and B of Term Limits Declaration Two, the words, "Chose not to sign declaration to limit service to [3 terms] [2 terms]".

(g) For the purpose of this section, service in office for more than one-half of a term shall be deemed as service for a full term.

(h) A candidate may not have more than one declaration and ballot designation in effect for any office at the same time, and a candidate may execute and submit Part B of a declaration only if Part A of that declaration is or has been executed and submitted.

(i) The Secretary of State shall provide candidates with all the declarations in this section, and promulgate regulations as provided by law to facilitate implementation of this section as long as the regulations do not alter the intent of this section.

Section 4. Standing

The proponents of this initiative, as defined by Section 342 of the Elections Code, have standing to defend its provisions.

Section 5. Severability

If any part of Sections 1 to 4, inclusive, or their application to any person or circumstance is held invalid, the invalidity shall not affect other provisions, subdivisions or applications that reasonably can be given effect without the invalid provisions or application.

Proposition 28: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds a section to the Health and Safety Code, and amends a section of the Revenue and Taxation Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Declaration of Findings and Purposes

(a) In November, 1998, Californians adopted Proposition 10 which, among other things, imposed more than a 135% increase in the tax on tobacco products.

(b) Funds derived from the increased tax are distributed to a new state commission and 58 county commissions creating an enormous bureaucracy made up of unelected political appointees. This new bureaucracy is unnecessary because existing law provides mechanisms for local governments to fund children's programs, including a "Children's Trust Fund" which distributes both federal and state funds to counties for child abuse and neglect prevention and intervention programs.

(c) After the election, the office of the independent Legislative Analyst pointed out that neither the state Legislature nor the newly created state commission has any oversight or control over the expenditure of the nearly \$700 million annually raised by the tax. Not only is there no accountability for the expenditure of taxpayer funds, but Proposition 10 does not identify existing and successful programs to be implemented or expanded.

(d) The tax increase is extremely punitive and leveled against users of tobacco products, those least able to afford the massive tax increase. Yet, none of the funds raised by the tobacco tax are specifically dedicated to tobacco related education, prevention or research.

(e) The most critical problem facing our children is our failing

public education system. Yet, not one penny of the \$700 million in taxes collected each year from Proposition 10 will go to public schools. In fact, Proposition 10 prohibits any of the new tax revenue to be used for schools.

(f) Therefore, the voters of the state of California hereby repeal the tax increase imposed by Proposition 10 and the creation of an enormous new bureaucracy. At the same time, the voters encourage the Legislature to identify and fund effective programs that promote early childhood development from the prenatal stage to five years of age.

SECTION 2. Repeal of Proposition 10 Tobacco Tax

Section 30131.2 of the Revenue and Taxation Code is amended to read:

30131.2. (a) ~~Except for In addition to the taxes imposed upon the distribution of cigarettes and tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121) and any other taxes in this chapter, there shall be no additional surtax on the distribution of cigarettes or tobacco products unless adopted by a statute passed by the Legislature. there shall be imposed an additional surtax upon every distributor of cigarettes at the rate of twenty-five mills (\$0.25) for each cigarette distributed.~~

(b) ~~In addition to the taxes imposed upon the distribution of tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121); and any other taxes in this chapter, there shall be imposed an additional tax upon every distributor of tobacco products, based on the wholesale cost of these products; at a tax rate, as determined annually by the State Board of Equalization, which is equivalent to the rate of tax imposed on cigarettes by subdivision (a);~~

(b) *All moneys collected pursuant to the taxes imposed by former Section 30131.2, as it existed on January 1, 1999, and in the California Children and Families First Trust Fund shall be appropriated pursuant to Section 30131.4 until all such monies are depleted, at which point the California Children and Families First Trust Fund shall be terminated.*

SECTION 3. Repeal of New Bureaucracy Created by Proposition 10

Text of Proposed Laws—Continued

Section 130105.1 is added to the Health and Safety Code, to read:
130105.1. After all monies collected pursuant to Section 30131.2 of the Revenue and Taxation Code and appropriated pursuant to Section 130105 are depleted, the California Children and Families First Trust Fund shall be terminated.

SECTION 4. Severability
If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

Proposition 29: Text of Proposed Law

This law proposed by Senate Bill 287 of the 1997–98 Regular Session (Chapter 409, Statutes of 1998) is submitted to the people as a referendum in accordance with the provisions of Section 9 of Article II of the California Constitution.

This proposed law adds sections to the Government Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Section 12012.5 is added to the Government Code, to read:

12012.5. (a) The following tribal-state compacts entered in accordance with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:

(1) The compact between the State of California and the Barona Band of Mission Indians, executed on August 12, 1998.

(2) The compact between the State of California and the Big Sandy Rancheria of Mono Indians, executed on July 20, 1998.

(3) The compact between the State of California and the Cher-Ae Heights Indian Community of Trinidad Rancheria, executed on July 13, 1998.

(4) The compact between the State of California and the Jackson Rancheria Band of Miwuk Indians, executed on July 13, 1998.

(5) The compact between the State of California and the Mooretown Rancheria of Concow/Maidu Indians, executed on July 13, 1998.

(6) The compact between the State of California and the Pala Band of Mission Indians, as approved by the Secretary of the Interior on April 25, 1998.

(7) The compact between the State of California and the Redding Rancheria, executed on August 11, 1998.

(8) The compact between the State of California and the Rumsey Indian Rancheria of Wintun Indians of California, executed on July 13, 1998.

(9) The compact between the State of California and the Sycuan Band of Mission Indians, executed on August 12, 1998.

(10) The compact between the State of California and the Table Mountain Rancheria, executed on July 13, 1998.

(11) The compact between the State of California and the Viejas Band of Kumeyaay Indians, executed on or about August 17, 1998.

The terms of each compact apply only to the State of California and the tribe that has signed it, and the terms of these compacts do not bind any tribe that is not a signatory to any of the compacts.

(b) Any other compact entered into between the State of California

and any other federally recognized Indian tribe which is executed after August 24, 1998, is hereby ratified if (1) the compact is identical in all material respects to any of the compacts ratified pursuant to subdivision (a), and (2) the compact is not rejected by each house of the Legislature, two-thirds of the membership thereof concurring, within 30 days of the date of the submission of the compact to the Legislature by the Governor. However, if the 30-day period ends during a joint recess of the Legislature, the period shall be extended until the fifteenth day following the day on which the Legislature reconvenes. A compact will be deemed to be materially identical to a compact ratified pursuant to subdivision (a) if the Governor certifies that it is materially identical at the time he or she submits it to the Legislature.

(c) The Legislature acknowledges the right of federally recognized tribes to exercise their sovereignty to negotiate and enter into compacts with the state that are materially different from the compacts ratified pursuant to subdivision (a). These compacts shall be ratified upon approval of each house of the Legislature, a majority of the membership thereof concurring.

(d) The Governor is the designated state officer responsible for negotiating and executing, on behalf of the state, tribal-state gaming compacts with federally recognized Indian tribes in the State of California pursuant to the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class III gaming, as defined in that act, on Indian lands. Nothing in this section shall be construed to deny the existence of the Governor's authority to have negotiated and executed tribal-state compacts prior to the effective date of this section.

(e) The Governor is authorized to waive the state's immunity to suit in federal court in connection with any compact negotiated with an Indian tribe or any action brought by an Indian tribe under the Indian Gaming Regulatory Act (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.).

(f) In deference to tribal sovereignty, the execution of, and compliance with the terms of, any compact specified under subdivision (a) or (b) shall not be deemed to constitute a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(g) Nothing in this section shall be interpreted to authorize the unilateral imposition of a statewide limit on the number of lottery devices or of any allocation system for lottery devices on any Indian tribe that has not entered into a compact that provides for such a limit or allocation system. Each tribe may negotiate separately with the state over these matters on a government-to-government basis.



What do you think?

The Secretary of State's office has made a number of changes to this year's voter information guide, but we want to know what you think. If you have any suggestions on how to improve the voter information guide, we would like to hear them. Simply write down your suggestions below, detach and mail to:

Office of the Secretary of State
Attn: Voter Information Guide
Elections Division
1500 11th Street
Sacramento, CA 95814



BACK COVER

WITHOUT PROPOSITION 24