

CALIFORNIA

★ GENERAL ELECTION ★

Tuesday, November 5, 2002

CERTIFICATE OF CORRECTNESS

I, Bill Jones, Secretary of State of the State of California, do hereby certify that the measures included herein will be submitted to the electors of the State of California at the General Election to be held throughout the State on November 5, 2002, and that this pamphlet has been correctly prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, this 12th day of August, 2002.



Bill Jones
Secretary of State



OFFICIAL VOTER
INFORMATION
GUIDE

SECRETARY OF STATE



Dear California Voter:

It has been a pleasure to serve as your Secretary of State for the last eight years. Working together with leading policy makers and California's hard-working nonpartisan professional election administrators and especially you, the voter, I am proud to say we will leave a legacy of election reforms that have positively affected the democracy in our state.

Since the November 2000 presidential controversy in Florida, a spotlight has been placed on the conduct and administration of elections across the country. Fortunately for Californians, we looked ahead for the changes that needed to be made and our united efforts have turned California into a model for all other states to emulate.

In fact, recent federal election reform legislation requires other states to carry out many of the critically important procedures we pioneered in California as a prerequisite to their obtaining federal funds for election modernization.

Whether it's the publication of this detailed voter information guide, which helps you make informed decisions, or the development of America's premier on-line campaign finance tracking system or the nation's most extensive and respected voter outreach efforts, you can be proud that California is blazing the trail for other states to follow.

To ensure the integrity of the elections process, we re-tooled the voting infrastructure to make sure that voters who have died or moved away no longer remain on the voter rolls and implemented a top-notch election fraud investigation unit so that individuals who violate election laws will be prosecuted to the fullest extent of the law.

Our innovative use of technology, like California's computerized statewide voter file and the live, up-to-the-minute reporting of election results on the Internet, provides us with invaluable tools that continue to improve the way we administer elections. And the recent adoption of Proposition 41, the Voting Modernization Bond Act, will help us move closer toward helping counties replace their outdated voting systems with newer, more modern technology for you to use when you cast your ballot.

It has been an honor to work side by side with the dedicated men and women of the Secretary of State's Office to build a better elections system for all Californians. Californians will never have to question the integrity of the democratic process, which so many Americans have sacrificed their lives for during the history of our great nation.

We hope you will respect their sacrifice and honor their memory and support our country by casting a ballot on November 5, 2002.



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DATES TO REMEMBER

October

OCTOBER 7, 2002

First day to apply for an absentee ballot by mail

OCTOBER 21, 2002

Last day to register to vote

OCTOBER 29, 2002

Last day that county elections officials will accept any voter's application for an absentee ballot

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

NOVEMBER 5, 2002

Last day to apply for an absentee ballot in person at the office of the county elections official

NOVEMBER 5, 2002 ELECTION DAY!

REMEMBER TO VOTE!

Polls are open from 7 a.m. to 8 p.m.

www.ss.ca.gov

Take It With You to the Polls!

CALIFORNIA

QUICK REFERENCE

PULL-OUT GUIDE

GENERAL ELECTION

Tuesday, November 5, 2002

This pull-out reference guide contains summary and contact information for each state proposition appearing on the November 5, 2002, ballot.

Take it
with you
to the polls!



OFFICIAL VOTER
INFORMATION
GUIDE

Visit our website at www.ss.ca.gov

BALLOT MEASURE SUMMARY

PROP

46

HOUSING AND EMERGENCY SHELTER TRUST FUND ACT OF 2002.

Bond Act

Put on the Ballot by the Legislature

SUMMARY

This act provides for the Housing and Emergency Shelter Trust Fund Act of 2002. For the purpose of providing shelters for battered women, clean and safe housing for low-income senior citizens, emergency shelters for homeless families with children, housing with social services for the homeless and mentally ill, repairs and accessibility improvements to apartments for families and handicapped citizens, homeownership assistance for military veterans, and security improvements and repairs to existing emergency shelters, shall the state create a housing trust fund by issuing bonds totaling two billion one hundred million dollars (\$2,100,000,000), paid from existing state funds at an average annual cost of one hundred fifty seven million dollars (\$157,000,000) per year over the 30-year life of the bonds, with the requirement that every city and county is eligible to receive funds as specified in the measure and with all expenditures subject to an independent audit?

WHAT YOUR VOTE MEANS

Yes

A **YES** vote on this measure means: The state could sell \$2.1 billion in general obligation bonds to support various housing programs.

No

A **NO** vote on this measure means: The state could not sell \$2.1 billion in general obligation bonds for these purposes.

ARGUMENTS

Pro

Proposition 46 provides emergency shelters for battered women, affordable housing for seniors, low-income families, homeless shelters with social services; paid out of existing state resources without raising taxes; endorsed by AARP, Congress of California Seniors, League of Women Voters of California, California Chamber of Commerce, California State Sheriffs Association.

Con

This bond will provide \$2.1 billion for housing projects, but will cost taxpayers approximately \$3.36 billion to pay off. It will provide only miniscule benefits to first-time homebuyers and will do NOTHING to remove the bureaucratic and regulatory barriers to affordable housing throughout California.

FOR ADDITIONAL INFORMATION

For

Julie Snyder
Yes on Proposition 46/
Housing California
926 J Street, Suite 1400
Sacramento, CA 95814
916-447-0531
info@prop46yes.org
www.prop46yes.org

Against

No contact information was provided.

PROP

47

KINDERGARTEN—UNIVERSITY PUBLIC EDUCATION FACILITIES BOND ACT OF 2002.

Bond Act

Put on the Ballot by the Legislature

SUMMARY

This thirteen billion fifty million dollar (\$13,050,000,000) bond issue will provide funding for necessary education facilities to relieve overcrowding and to repair older schools. Funds will be targeted to areas of the greatest need and must be spent according to strict accountability measures. Funds will also be used to upgrade and build new classrooms in the California Community Colleges, the California State University, and the University of California, to provide adequate higher education facilities to accommodate the growing student enrollment. These bonds may be used only for eligible projects. Fiscal Impact: State cost of about \$26.2 billion over 30 years to pay off both the principal (\$13.05 billion) and interest (\$13.15 billion) costs on the bonds. Payments of about \$873 million per year.

WHAT YOUR VOTE MEANS

Yes

A **YES** vote on this measure means: The state could sell \$13.05 billion in general obligation bonds for the construction and renovation of public education facilities (kindergarten through 12th grade and higher education).

No

A **NO** vote on this measure means: The state could not sell \$13.05 billion in general obligation bonds for these purposes.

ARGUMENTS

Pro

MORE CLASSROOMS and BETTER SCHOOLS, WITHOUT RAISING TAXES. We need 13,000+ new classrooms! 47 ensures **CRITICALLY OVERCROWDED** districts get their **FAIR SHARE** to build classrooms, **REPAIR** old ones and improve **SAFETY**. Strict **ACCOUNTABILITY** and **AUDITS** required. California PTA, California Teachers Association, California Taxpayers' Association, Chamber of Commerce: "YES on 47"

Con

Under Prop 47, the most needed schools aren't required to begin construction for 6 1/2 years. This bond favors LAUSD over every other district in the state. Proposition 47 is the wrong solution to our school facilities crisis, poorly written, patently unfair and *will raise your taxes*.

FOR ADDITIONAL INFORMATION

For

Yes on 47 for Accountability and Better Schools: a coalition of taxpayers, parents, teachers, seniors, educators, builders and business
111 Anza Blvd., Suite 406
Burlingame, CA 94010
650-340-0470
info@yesprop47.com
www.yesprop47.com

Against

No contact information was provided.

PROP

48

**COURT CONSOLIDATION.
LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

Put on the Ballot by the Legislature

SUMMARY

Amends Constitution to delete references to the municipal courts, which references are now obsolete due to the consolidation of superior and municipal trial courts into unified superior courts. Fiscal Impact: No additional cost to state or local government.

WHAT YOUR VOTE MEANS

Yes

A **YES** vote on this measure means: The California Constitution would be amended to remove obsolete references to the municipal courts, and to make conforming changes relating to the membership of the California Judicial Council and the membership of the Commission on Judicial Performance.

No

A **NO** vote on this measure means: The California Constitution would not be amended to remove obsolete references to the municipal courts, and would not be amended to make conforming changes to the membership of the California Judicial Council and the membership of the Commission on Judicial Performance.

ARGUMENTS

Pro

Four years ago the voters authorized the elimination of municipal courts. Municipal courts no longer exist. Their function has been merged into the superior court, for an estimated annual savings of \$23,000,000. Proposition 48 cleans up the California Constitution by eliminating obsolete references to the former municipal courts.

Con

Proposition 48 would unwisely prohibit the re-establishment of “municipal courts” in any of California’s 58 counties. The elimination of municipal courts in favor of a single “superior court” in each county has created at least the appearance of unfairness and has made local courts more insular and less accountable.

FOR ADDITIONAL INFORMATION

For

Nathaniel Sterling
California Law Revision
Commission
4000 Middlefield Road
Palo Alto, CA 94303
650-494-1335
sterling@clrc.ca.gov
www.clrc.ca.gov

Against

Gary B. Wesley
Voter Information Alliance (VIA)
P.O. Box 90151
San Jose, CA 95109
408-882-5070
www.VoterInformationAlliance.org

PROP

49

**BEFORE AND AFTER SCHOOL PROGRAMS.
STATE GRANTS. INITIATIVE STATUTE.**

Put on the Ballot by Petition Signatures

SUMMARY

Increases state grant funds available for before/after school programs, providing tutoring, homework assistance, and educational enrichment. Requires that, beginning 2004–05, new grants will not be taken from education funds guaranteed by Proposition 98. Fiscal Impact: Additional annual state costs for before and after school programs of up to \$455 million, beginning in 2004–05.

WHAT YOUR VOTE MEANS

Yes

A **YES** vote on this measure means: The state would provide additional funding of up to \$455 million to before and after school programs.

No

A **NO** vote on this measure means: Funding for before and after school programs would continue to depend on annual legislative action.

ARGUMENTS

Pro

Major university studies show after-school programs reduce gang activity, drugs and juvenile incarceration while protecting kids, improving grades, saving taxpayers \$3 for every \$1 invested through reduced costs for juvenile crime, grade repetition, and remedial education. Proposition 49 endorsements: California Taxpayers’ Association, Teachers Association, PTA, Sheriffs, AARP, Arnold Schwarzenegger.

Con

Proposition 49 would unfairly take one program with a powerful sponsor and guarantee its funding every year. It would fall outside the budget process—even in tough economic times when it might take money away from more critical needs like environmental protection, health care, public safety and other children’s programs.

FOR ADDITIONAL INFORMATION

For

Citizens for After School
Programs
3110 Main Street #210
Santa Monica, CA 90405
310-664-9120
info@joinarnold.com
www.joinarnold.com

Against

Trudy Schafer
League of Women Voters of
California
926 J Street, Suite 515
Sacramento, CA 95814
916-442-3236
stop49@lwvc.org

BALLOT MEASURE SUMMARY

PROP

50

WATER QUALITY, SUPPLY AND SAFE DRINKING WATER PROJECTS. COASTAL WETLANDS PURCHASE AND PROTECTION. BONDS. INITIATIVE STATUTE.

Put on the Ballot by Petition Signatures

SUMMARY

Authorizes \$3,440,000,000 general obligation bonds to fund a variety of specified water and wetlands projects. Fiscal Impact: State cost of up to \$6.9 billion over 30 years to repay bonds. Reduction in local property tax revenues, up to roughly \$10 million annually; partially offset by state funds. Unknown state and local operation and maintenance costs.

WHAT YOUR VOTE MEANS

Yes

A **YES** vote on this measure means: The state could sell \$3.44 billion in bonds for water quality, water supply reliability, and safe drinking water projects and for coastal land acquisition and protection.

No

A **NO** vote on this measure means: The state could not sell \$3.44 billion in bonds for these purposes.

ARGUMENTS

Pro

YES on 50 keeps clean drinking water flowing for California's rapidly-growing population. Prop 50 is a cost-effective approach to protecting vital water supplies and our coast. That's why **YES on 50** is endorsed by public health and safety groups, local water agencies, businesses and conservation groups throughout California.

Con

Proposition 50 does virtually nothing to complete the California Water Project, or provide us with new water supplies. It actually prohibits using bond funds for building new dams or reservoirs. It will cost you \$5.7 Billion over the next 25 years. Don't be fooled by this misleading initiative.

FOR ADDITIONAL INFORMATION

For

Californians for Clean Water & Coastal Protection
926 J Street, Suite 907
Sacramento, CA 95814
916-669-4796
info@prop50yes.com
www.prop50yes.com

Against

Ted Costa
People's Advocate Inc.
3407 Arden Way
Sacramento, CA 95825
916-482-6175
tedcosta@tedcosta.com
peoplesadvocate.org
tedcosta.com

PROP

51

TRANSPORTATION. DISTRIBUTION OF EXISTING MOTOR VEHICLE SALES AND USE TAX. INITIATIVE STATUTE.

Put on the Ballot by Petition Signatures

SUMMARY

Redistributes portion of existing state motor vehicle sales/lease revenues from General Fund to Trust Fund for transportation, environmental, and highway and school bus safety programs. Fiscal Impact: Redirects specified General Fund revenues to transportation-related purposes, totaling about \$420 million in 2002-03, \$910 million in 2003-04, and increasing amounts annually thereafter, depending on increases in motor vehicle sales and leasing.

WHAT YOUR VOTE MEANS

Yes

A **YES** vote on this measure means: Thirty percent of the General Fund revenues generated from the sales tax on the lease and sale of motor vehicles could be used only for state and local transportation-related purposes, instead of being available for programs funded by the General Fund.

No

A **NO** vote on this measure means: These revenues would continue to be available for General Fund supported programs rather than only for state and local transportation-related purposes.

ARGUMENTS

Pro

YES on 51 dedicates EXISTING vehicle sales taxes to repair unsafe roads and highways, replace unsafe school buses, and make walk paths to school safer for children. Includes tough audit requirements. Endorsed by California Transit Association, Lung Association, Nurses Association, Safe Kids Network, firefighters, and Police Chief Arturo Venegas.

Con

In a time of continuing budget deficits, Proposition 51 adds \$1 billion to the deficit every year for special interest projects. It gives your tax dollars to campaign contributors, not California's priorities. Don't force cuts in vital services or require tax increases. **Vote NO ON 51!**

FOR ADDITIONAL INFORMATION

For

Eddy Moore
YES on 51—Citizens for
Traffic Safety
926 J Street #612
Sacramento, CA 95814
916-313-4519
emoore@pcl.org
www.voteyesonprop51.org

Against

David Kersten
California Tax Reform
Association
926 J Street, Suite 710
Sacramento, CA 95814
916-446-4300
caltaxreform@hotmail.com
votenooprop51.org

PROP

52

**ELECTION DAY VOTER REGISTRATION.
VOTER FRAUD PENALTIES. INITIATIVE STATUTE.**

Put on the Ballot by Petition Signatures

SUMMARY

Allows legally eligible persons to register to vote on election day. Increases criminal penalties for voter and voter registration fraud. Criminalizes conspiracy to commit voter fraud. Fiscal Impact: Annual state costs of about \$6 million to fund counties for election day voter registration activities. No anticipated net county costs. Minor state administrative costs and unknown, but probably minor, state costs to enforce new election fraud offense.

WHAT YOUR VOTE MEANS

Yes

A YES vote on this measure means: Eligible citizens could register to vote up to and including election day. Penalties would be increased for fraudulent registration or voting activity, and a new crime of conspiracy to commit election fraud would be created.

No

A NO vote on this measure means: Eligible citizens could not register to vote up to and including election day. Current law would remain in place requiring citizens to register to vote at least 15 days before an election. Penalties would not be increased for fraudulent registration or voting activity, and a new crime of conspiracy to commit election fraud would not be created.

ARGUMENTS

Pro

Proposition 52 allows eligible Californians to register and vote on election day at their polling place after showing a drivers license or two forms of valid ID. It will increase voter turnout while increasing penalties for voter fraud. Join the League of Women Voters of California and vote Yes.

Con

District Attorneys and Sheriffs say "NO on 52"! Prop. 52 makes it easy for CRIMINALS and NON-CITIZENS to vote without providing official ID to prove who they are. That's not fair to citizens who are properly registered. Vote NO on 52 to protect your vote and STOP VOTE FRAUD!

FOR ADDITIONAL INFORMATION

For

Yes on Proposition 52
1510 J Street, Suite 230
Sacramento, CA 95814
916-443-7011
info@electiondayreg.com
www.electiondayreg.com

Against

Dave Gilliard
Citizens & Law Enforcement
Against Election Fraud
921 11th Street, Suite 600
Sacramento, CA 95814
info@stopVoteFraud.com
www.StopVoteFraud.com

VOTE!

Tuesday,
November 5, 2002



NOVEMBER 5, 2002

GENERAL ELECTION

Election Day Checklist

NOT AN OFFICIAL BALLOT

PROPOSITION 46 Yes No

Housing and Emergency Shelter Trust Fund Act of 2002.

PROPOSITION 47 Yes No

Kindergarten–University Public Education Facilities Bond Act of 2002.

PROPOSITION 48 Yes No

Court Consolidation. Legislative Constitutional Amendment.

PROPOSITION 49 Yes No

Before and After School Programs. State Grants. Initiative Statute.

PROPOSITION 50 Yes No

Water Quality, Supply and Safe Drinking Water Projects. Coastal Wetlands Purchase and Protection. Bonds. Initiative Statute.

PROPOSITION 51 Yes No

Transportation. Distribution of Existing Motor Vehicle Sales and Use Tax. Initiative Statute.

PROPOSITION 52 Yes No

Election Day Voter Registration. Voter Fraud Penalties. Initiative Statute.

Governor _____

Lieutenant Governor _____

Secretary of State _____

Controller _____

Treasurer _____

Attorney General _____

Insurance Commissioner _____

Superintendent of Public Instruction _____

Do Your Part

to keep our country strong –
Vote on Election Day.

The power of your vote is the
cornerstone of our democracy.
Your vote makes a difference –
and it's easy to do.

Just Follow the Four Simple Steps of Voting:

1. Register to vote.
2. Learn about the candidates and ballot measures.
3. Find out how and where to vote.
4. Go to the polls and vote on Election Day or apply for and send in your absentee ballot.

You'll find all the information that you need about these four easy-to-follow steps by visiting the Vote America website at www.voteamerica.ca.gov.





BALLOT MEASURES DEFINED

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, signed by the Governor, and approved by a simple majority of the public's vote to be enacted. Whenever a bond measure is on a statewide ballot, an overview of California's bond debt is included in the ballot pamphlet.

LEGISLATIVE CONSTITUTIONAL AMENDMENT

Whenever the Legislature proposes an amendment to the California Constitution, it is known as a legislative constitutional amendment. It must be adopted in the Senate and the Assembly by a two-thirds vote before it can be placed on the ballot. A legislative constitutional amendment does not require the Governor's signature. This type of amendment requires a simple majority of the public's vote to be enacted.

LEGISLATIVE INITIATIVE AMENDMENT

Whenever the Legislature proposes to amend a law that was previously enacted through the initiative process, the Legislature is required to present the amendment to the voters for passage. The Legislature may amend the previously-adopted initiative measure if the measure permits legislative amendment or repeal without voter approval. This type of amendment requires a simple majority of the public's vote to be enacted.

INITIATIVES

Often referred to as "direct democracy," the initiative process is the power of the people to place measures on the ballot. These measures can either create or change statutes (including general obligation bonds) and amend the California Constitution. If the initiative proposes to amend California statute, signatures of registered voters gathered must equal in number to 5% of the votes cast for all candidates for Governor in the previous gubernatorial election. If the initiative proposes to amend the California Constitution, signatures of registered voters gathered must equal in number to 8% of the votes cast for all candidates for Governor in the previous gubernatorial election. An initiative requires a simple majority of the public's vote to be enacted.

REFERENDUM

Referendum is the power of the people to approve or reject statutes adopted by the Legislature. However, referenda can not be used to approve or reject urgency measures or statutes that call for elections or provide for tax levies or appropriations for 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 previous gubernatorial election within 90 days of enactment of the bill. Once on the ballot, the law is defeated if voters cast more NO votes than YES votes on the referendum question.

HOUSING AND EMERGENCY SHELTER TRUST FUND ACT OF 2002.



OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

HOUSING AND EMERGENCY SHELTER TRUST FUND ACT OF 2002.

- Creates trust fund to: provide shelters for battered women; clean and safe housing for low-income senior citizens; emergency shelters for homeless families with children; housing with social services for homeless and mentally ill; repairs/accessibility improvements to apartments for families and handicapped citizens; military veteran homeownership assistance; and security improvements/repairs to existing emergency shelters.
- Funded by bond issue of two billion one hundred million dollars (\$2,100,000,000).
- Makes cities and counties eligible to receive specified funds.
- Subjects expenditures to independent audit.
- Appropriates money from state General Fund to repay bonds.

SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- State cost of about \$4.7 billion over 30 years to pay off both the principal (\$2.1 billion) and interest (\$2.6 billion) costs on the bonds. Payments of about \$157 million per year.

FINAL VOTES CAST BY THE LEGISLATURE ON SB 1227 (PROPOSITION 46)

Assembly:	Ayes 54	Noes 21
Senate:	Ayes 27	Noes 11

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

About 150,000 houses and apartments are built in California each year. Most of these units are built entirely with private dollars. Some, however, receive subsidies from federal, state, and local governments. For some of the units that receive *state* funds, the state provides low-interest loans or grants to developers (private, nonprofit, and local governments). Typically, there is a requirement that the housing built be sold or rented to Californians with low incomes. Other state programs provide homebuyers with direct financial assistance to help with the costs of a down payment.

The amount of funds that the state has provided to these types of housing programs has varied considerably over time. In 1988 and 1990, voters approved a total of \$600 million of general obligation bonds to fund state housing programs (these funds have been spent). Since that time, the state typically has spent less than \$20 million annually in General Fund revenues on state housing programs. On a one-time basis, however, the state recently provided more than \$350 million in General Fund revenues for these purposes.

PROPOSAL

This measure allows the state to sell \$2.1 billion of general obligation bonds to fund 21 housing programs. General obligation

bonds are backed by the state, meaning that the state is required to pay the principal and interest on these bonds. General Fund revenues would be used to pay these costs over about 30 years.

Figure 1 describes the programs and the amount of funding that each would receive under the measure. Most of the funds would go to existing state housing programs. A number of the programs, however, are new, with details to be established by subsequent legislation. The major allocations of the bond proceeds are as follows:

- **Multifamily Housing Programs (\$1.11 Billion).** This measure would fund a variety of housing programs aimed at the construction of rental housing projects, such as apartment buildings. These programs generally provide local governments, nonprofit organizations, and private developers with low-interest (3 percent) loans to fund part of the construction cost. In exchange, a project must reserve a portion of its units for low-income households for a period of 55 years. This measure gives funding priority to projects in already developed areas and near existing public services (such as public transportation).
- **Homeownership Programs (\$405 Million).** A number of the programs funded by this measure would encourage homeownership for low- and moderate-income homebuyers. Most of the funds would be used to provide down payment

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

assistance to homebuyers through low-interest loans or grants. Typically, eligibility for this assistance would be based on the household's income, the cost of the home being purchased, and whether it is the household's first home purchase.

- **Farmworker Housing (\$200 Million).** These funds would be used to provide loans and grants to the developers of housing for farmworkers. Program funds would be used for both rental and owner-occupied housing.
- **Other Programs (\$385 Million).** Additional funds would be allocated for the construction of homeless shelters, payments to cities and counties based on their approval of housing units, provision of mortgage insurance for high-risk homebuyers, and capital needs of local code enforcement departments.

Most of the program funds probably would be allocated over a three- to five-year period. For many of the programs, the measure limits the length of time available for the funds to be spent. If after a specified length of time—between 18 and 48 months—a program's funds are unspent, they would be reallocated to a different housing program.

The measure provides the Legislature broad authority to make future changes to the programs funded by the measure. The measure also requires the State Auditor to perform periodic audits of the agencies administering the funds and the recipients of the funds.

Impact of Funds. The funds from this measure typically would be used together with other government monies to provide housing assistance. In total, the bond funds would provide annual subsidies for about 25,000 multifamily and 10,000 farmworker households. The funds would also provide down payment assistance to about 60,000 homebuyers and help provide space for 30,000 homeless shelter beds.

FISCAL EFFECT

Bond Costs. The cost of these bonds would depend on their interest rates and the time period over which they are repaid. Generally, the interest on bonds issued by the state is exempt from both state and federal income taxes—lowering the payment amounts for the state. Historically, the type of bonds proposed by this measure have not received the federal tax exemption—resulting in a higher interest rate for the bonds. If the bonds were sold at an average interest rate of 6.25 percent (the current rate for this type of bond) and repaid over 30 years, the cost would be about \$4.7 billion to pay off both the principal (\$2.1 billion) and interest (\$2.6 billion). The average payment would be about \$157 million per year.

Administrative Costs. Several agencies would experience increased costs to administer the various housing programs funded by this measure. Under existing law, a portion of the programs' allocations from the bond funds—up to about \$100 million—could be used for these administrative costs. The measure also authorizes some recipients to be charged for administrative costs, thus increasing funds available for this purpose.

FIGURE 1

PROPOSITION 46 USES OF BOND FUNDS

(In Millions)		Amount
Multifamily Housing Programs		
Multifamily Housing	Low-interest loans for affordable housing developments. Units reserved for low-income renters in most cases for 55 years.	\$800.0
Supportive Housing	Low-interest loans for housing projects which also provide health and social services to low-income renters.	195.0
Preservation ^a	Funds to maintain affordability of units in projects where prior agreements are expiring.	50.0
Housing Trust Funds ^a	Grants to local governments and nonprofit organizations to fund local housing programs.	25.0
Health and Social Services	Low-interest loans for the construction of space for health and social services connected to affordable housing projects.	20.0
Student Housing	Low-interest loans for housing near state universities. Units reserved for low-income students.	15.0
Disabled Modifications	Grants for modifications to rental housing to accommodate low-income renters with disabilities.	5.0
		\$1,110.0
Homeownership Programs		
Homebuyer's Down Payment Assistance	Deferred low-interest loans up to 3 percent of home purchase price for first-time low- and moderate-income homebuyers.	\$117.5
CalHome	Variety of homeownership programs for low-income households.	115.0
Building Equity and Growth in Neighborhoods ^a	Grants to local governments to fund homebuyer assistance in high-density developments.	75.0
Nonprofit-Sponsored Counseling	Down payment assistance for first-time, low-income homebuyers participating in specified counseling programs.	12.5
Self-Help Construction Management	Grants to organizations which assist low- and moderate-income households in building their own homes.	10.0
School Facility Fees	Down payment assistance to eligible homebuyers to cover some or all of the fees paid to school districts to fund new school facilities.	50.0
School Personnel	Loans to school personnel for down payment assistance.	25.0
		\$405.0
Farmworker Housing Programs		
Farmworker Housing	Low-interest loans and grants for construction of housing for farmworkers.	\$155.0
Migrant Workers	Low-interest loans and grants for projects which serve migratory workers.	25.0
Health Services	Low-interest loans and grants for farmworker housing which also provides health services.	20.0
		\$200.0
Other Programs		
Emergency Housing Assistance	Grants for the construction of homeless shelters.	\$195.0
Jobs-Housing Improvement ^a	Grants to local governments based on the amount of housing they approve.	100.0
Housing Loan Insurance	Insurance for high-risk housing mortgages.	85.0
Code Enforcement	Grants for capital expenditures for local code enforcement departments.	5.0
		\$385.0
Total		\$2,100.0

^a New program for which details would be established by subsequent legislation.

ARGUMENT IN FAVOR OF PROPOSITION 46

YES on Proposition 46 will provide emergency shelters for battered women, affordable housing for seniors and low-income families, and shelters with social services for the homeless. That is why the Congress of California Seniors, the League of Women Voters of California, and the Association to Aid Victims of Domestic Violence strongly urge a YES vote on Proposition 46.

Importantly, this bond measure will be funded out of existing state resources without raising taxes.

In our communities, the problems of housing affordability, homelessness, and domestic violence have gotten progressively worse. According to the State Department of Housing, over 360,000 Californians are homeless and the numbers are rising.

Last year, 23,000 women and children were turned away from domestic violence shelters because they were full. Housing affordability for working families in California is at historic lows.

Safe shelter is fundamental to a decent life. YES on Proposition 46 will:

- Double the number of emergency shelter beds.
- Expand the number of shelter beds for battered women.
- Provide security improvements and repairs to existing shelters.
- Provide clean and safe housing for senior citizens and low-income families.

Additionally, Proposition 46 provides affordable housing for working people, accessibility improvements to apartments for disabled Californians, and loan assistance for military veterans, teachers, police and firefighters.

Proposition 46 also creates 276,000 jobs and helps improve the state's economy.

Allows Seniors to Live Independently: "This measure allows seniors to live in an apartment or home without the fear of being institutionalized in a nursing home. We strongly urge a YES on 46."—Congress of California Seniors

Helps Battered Women: "Most cities in California don't have adequate shelters for women and children who have been beaten and abused. Proposition 46 begins to fix this bad situation."—Statewide California Coalition for Battered Women and California State Sheriffs Association

Keeps Kids in School: "Proposition 46 provides shelter for thousands of homeless children, allowing them to attend neighborhood schools without having to worry about a roof over their head."—California Teachers Association

Independent Audits and Accountability: "This measure requires independent audits and contains strict accountability provisions to ensure the funds are used as promised. Every city and county will be eligible to receive housing funds."—California Chamber of Commerce

Loan Assistance for Veterans: "Our veterans have protected American interests at home and around the world. This measure makes available low-interest loans so they can purchase their first home."—Vietnam Veterans of California, Inc.

Critical Need For Housing and Emergency Shelters: "Proposition 46 provides shelter for those who need help the most—battered women, homeless mothers with children and disabled seniors."—Habitat For Humanity, Orange County

Yes on 46 provides emergency shelter and housing relief without raising taxes. It will help the 23,000 women and children turned away from domestic violence centers because they were full. It requires independent audits to ensure the funds are spent correctly. We urge you to vote YES on Proposition 46. Visit our website prop46yes.org.

PETE MAJOR, *Executive Director*

Habitat For Humanity, Orange County

BARBARA INATSUGU, *President*

League of Women Voters of California

DR. KATHIE MATHIS, *Executive Director*

Association to Aid Victims of Domestic Violence

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 46

- Supporters say the interest—hundreds of millions of dollars annually—for this bond can be paid out of existing resources. WHAT EXISTING RESOURCES? California faces multi-billion dollar deficits as far as the eye can see. The reality is, we are going to have to cut programs or raise taxes, or both, to pay back this bond.
- Supporters claim this bond will support battered women's shelters. But there is NO GUARANTEE that passing this bond will provide ONE SINGLE BED for a battered woman or her child. There's no mention of battered women's shelters in this bond, IT IS SIMPLY A POLITICAL PLOY. Those shelters will have to compete with everyone else in the same bureaucratic process!
- Supporters also say this bond will help provide affordable housing. But areas with the most critical housing shortages in our state—places like suburbs of Los Angeles, San Diego, and the Bay Area—

won't qualify for these monies because the bond is written to favor urban downtowns.

Proposition 46 is a classic government boondoggle. Higher fees, taxes, and strict regulations have made housing unaffordable in California. Now the same folks who created the problem want you to let them "solve" it, using YOUR TAX DOLLARS!

It is time for us to attack the real problem, not just to subsidize a failing, costly system.

Proposition 46 is no solution. We encourage you to vote NO.

MARILEE MONAGAN, *Past Board Member*

Women Escaping a Violent Environment (WEAVE)

LEW UHLER, *President*

National Tax Limitation Committee

ARGUMENT AGAINST PROPOSITION 46

What do families, major corporations and governments have in common? They all collapse when they have too much debt. California is already on the brink of bankruptcy and now is not the time to be going further into debt.

Passing bonds only adds to the state's debts. Here is a snapshot of California's current situation:

- A \$24 billion budget deficit this year.
- \$26.9 billion in current general obligation bonds outstanding.
- \$11 billion in energy bonds that have yet to be sold.
- A \$13 billion school bond on this ballot.

In the past two years, California has borrowed or approved more than \$12.9 billion in 27 different bonds. Paying it back, however, will cost you a whole lot more.

Bonds are the government's equivalent of a high-interest credit card. Government borrows money and then taxpayers pay back that debt, meaning increased taxes, rates and fees. Even worse, your children will be paying off this bond long after the money has been spent.

With every pile of debt California takes on, our credit rating drops, and our interest rates go up—forcing you to pay even more for government's mistakes and whims.

So why is this particular housing bond not a good idea?

Unfortunately it does little to truly address housing issues in California.

This bond has a \$2.1 billion face value. It will cost you at least \$3.5 billion to pay it off. Of this \$2.1 billion, only \$290 million, about 15%, is put into the "Self-Help" fund that is supposed to help low-income, first-time homebuyers with down payments, supposedly a major selling point for this bond. Of that, only \$12.5 million is actually going to be used

to help with down payments. To make matters worse, to get a part of the \$12.5 million (one half of one percent of the bond) first-time homebuyers have to purchase their houses in government approved locations. None of these areas are the high-income areas where it is so hard to purchase a home. This program only applies to major urban centers and many of the least desirable places to live and raise children. So—the very small piece of this bond that is supposed to help you buy a house has so many strings that you will probably never qualify.

If we want to improve housing availability in California, we first need to make it easier to construct new homes. We need to reduce the red tape that homebuilders have to go through to build new housing and make it easier to build condominiums. This bond does NOTHING to address the barriers that exist to providing affordable, abundant housing in California.

Sacramento politicians hope you will overlook their fiscal mismanagement and allow California to go further into debt without forcing them to confront the true reasons we do not have adequate housing. Do not allow this. Vote no and force Sacramento to set priorities and address this crisis in a responsible way.

SENATOR RAY HAYNES, *Chair*

State Senate Constitutional Amendments Committee

ASSEMBLYMAN ANTHONY PESCE, *Vice-Chair*

Assembly Utilities and Commerce Committee

JON COUPAL, *President*

Howard Jarvis Taxpayers Association

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 46

Our opponents want you to believe that the solution to our emergency shelter and affordable housing problem for seniors, low-income families and battered women is to ignore the problem while the cost and consequences get even more severe.

Let's set the record straight: Proposition 46 will NOT require a tax increase and will be paid for by existing state funds. Additionally, taxpayers are protected by independent audits to ensure that the programs are carried out as promised.

The emergency shelter and affordable housing problems are getting worse.

"Last year, 23,000 women and children were turned away from domestic violence centers due to inadequate space. More and more senior citizens are homeless or forced into nursing homes, because they cannot afford rent increases. Our homeless shelters are overflowing and most don't have special facilities for families with children."—Dallas Jones, Director, California Office of Emergency Services

We represent a broad cross section of Californians who believe that Proposition 46 is a prudent and measured response to an emergency shelter and affordable housing situation that is in crisis.

That is why Proposition 46 is endorsed by these diverse groups:

- AARP
- California State Sheriffs Association
- California Chamber of Commerce
- League of Women Voters of California
- Statewide California Coalition for Battered Women
- California Nurses Association
- California Teachers Association
- California Professional Firefighters
- Congress of California Seniors

Proposition 46 provides shelter for our most vulnerable Californians: the elderly, disabled, homeless families, battered women and children. Please vote YES on 46.

TOM PORTER, *State Director*

AARP

PETE MAJOR, *Executive Director*

Habitat For Humanity, Orange County

DAN TERRY, *President*

California Professional Firefighters

**KINDERGARTEN—UNIVERSITY PUBLIC
EDUCATION FACILITIES BOND ACT OF 2002.**



OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

47

**KINDERGARTEN—UNIVERSITY PUBLIC
EDUCATION FACILITIES BOND ACT OF 2002.**

- This act provides for a bond issue of thirteen billion fifty million dollars (\$13,050,000,000) to fund necessary education facilities to relieve overcrowding and to repair older schools.
- Funds will be targeted to areas of greatest need and must be spent according to strict accountability measures.
- Funds will also be used to upgrade and build new classrooms in the California Community Colleges, the California State University, and the University of California, to provide adequate higher education facilities to accommodate growing student enrollment.
- 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 \$26.2 billion over 30 years to pay off both the principal (\$13.05 billion) and interest (\$13.15 billion) costs on the bonds. Payments of about \$873 million per year.

FINAL VOTES CAST BY THE LEGISLATURE ON AB 16 (PROPOSITION 47)

Assembly:	Ayes 71	Noes 8
Senate:	Ayes 27	Noes 11

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Public education in California consists of two distinct systems. One system includes local school districts that provide elementary and secondary (kindergarten through 12th grade, or “K–12”) education to about 6.1 million pupils. The other system (commonly referred to as “higher education”) includes local community colleges, the California State University (CSU), and the University of California (UC). The three segments of higher education provide education programs beyond the 12th grade to about 2.3 million students.

K–12 Schools

School Facilities Funding. The K–12 schools receive funding for construction and renovation of facilities from two main sources—the state and local general obligation bonds.

- **State Funding.** The state, through the School Facility Program (SFP), provides money for school districts to buy land and to construct, renovate, and modernize K–12 school buildings. Districts receive funding for construction and renovation based on the number of pupils who meet the eligibility criteria of the program. The cost of school construction projects is shared between the state and local school districts. The state pays 50 percent of the cost of new construction projects and 60 percent of the cost for approved modernization projects. (Local matches are not necessary in so-called “hardship” cases.) The state has funded the SFP by issuing general obligation bonds. Over the past decade, voters have approved a total of \$11.5 billion in state bonds for K–12 school construction. About \$550 million of these funds remain available for expenditure.
- **Local General Obligation Bonds.** School districts are authorized to sell general obligation bonds to finance school construction projects with the approval of 55 percent of the voters in the district. These bonds are paid off by taxes on real property located within the district. Over the last ten years, school districts have received voter approval to issue more than \$23 billion of general obligation bonds.

Although school facilities have been funded primarily from state and local general obligation bonds, school districts also receive significant funds from:

- **Developer Fees.** State law authorizes local governments to impose developer fees on new construction. These fees are levied on new residential, commercial, and industrial developments. Statewide, school districts report having received an

average of over \$300 million a year in developer fees over the last ten years.

- **Special Local Bonds (Known as “Mello-Roos” Bonds).** School districts may form special districts in order to sell bonds for school construction projects. (These special districts generally do not encompass the entire school district.) The bonds, which require two-thirds voter approval, are paid off by charges assessed to property owners in the special district. Statewide, school districts have received on average about \$150 million a year in special local bond proceeds over the past decade.

K–12 School Building Needs. Under the SFP, K–12 school districts must demonstrate the need for new or modernized facilities. Through May 2002, the districts have identified a need to construct new schools to house 1.2 million pupils and modernize schools for an additional 1.2 million pupils. We estimate the state cost to address all of these needs to be roughly \$20 billion.

Higher Education

California’s system of public higher education includes 140 campuses in the three segments listed below, serving about 2.3 million students:

- The California Community Colleges provide instruction to 1.7 million students at 108 campuses operated by 72 locally governed districts throughout the state. The community colleges grant associate degrees and also offer a variety of vocational skill courses.
- The CSU system has 23 campuses, with an enrollment of about 395,000 students. The system grants bachelor and master degrees, and a small number of joint doctoral degrees with UC.
- The UC has eight general campuses and one health sciences campus with a total enrollment of about 184,000 students. This system offers bachelor, master, and doctoral degrees, and is the primary state-supported agency for research.

Over the past decade, the voters have approved nearly \$4.4 billion in general obligation bonds for capital improvements at public higher education campuses. The state also has provided almost \$1.5 billion in lease revenue bonds for this same purpose.

In addition to these state bonds, the higher education segments have other sources of funding for capital projects.

- **Local General Obligation Bonds.** Community college districts are authorized to sell general

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

47

obligation bonds to finance school construction projects with the approval of 55 percent of the voters in the district. These bonds are paid off by taxes on real property located within the district. Over the last decade, community college districts have received local voter approval to issue about \$5 billion of bonds for construction and renovation of facilities.

- **Gifts and Grants.** The CSU and UC in recent years together have received on average over \$100 million annually in gifts and grants for construction of facilities.
- **UC Research Revenue.** The UC finances the construction of new research facilities by selling bonds and pledging future research revenue for their repayment. Currently, UC uses about \$125 million a year of research revenue to pay off these bonds.

Higher Education Building Plans. Each year the institutions of higher education prepare capital outlay plans in which they identify project priorities over the next few years. Higher education capital outlay projects in the most recent plans total \$4.4 billion for the period 2003–04 through 2006–07.

PROPOSAL

This measure allows the state to issue \$13.05 billion of general obligation bonds for construction and renovation of K–12 school facilities (\$11.4 billion) and higher education facilities (\$1.65 billion). General obligation bonds are backed by the state, meaning that the state is obligated 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 income and sales taxes. Figure 1 shows how these bond funds would be allocated to K–12 and higher education.

K–12 School Facilities

Figure 1 describes generally how the \$11.4 billion for K–12 school projects would be allocated. However, the measure would permit changes in this allocation with the approval of the Legislature and Governor.

New Construction. A total of \$6.35 billion would be available to buy land and construct *new* school buildings. Of this amount, \$2.9 billion would be set aside for “backlog” projects—that is, projects for which districts had submitted applications on or before February 1, 2002, but that have not yet been funded. The remaining funds—\$3.45 billion—would be available for new construction projects submitted after February 1, 2002. Districts would be required to pay for

FIGURE 1

**PROPOSITION 47
USES OF BOND FUNDS**

(In Millions)	Amount
K–12	
New Construction:	
New projects	\$3,450 ^a
Backlog ^b	2,900
Modernization:	
New projects	1,400
Backlog ^b	1,900
Critically overcrowded schools	1,700
Joint use	50
Subtotal, K–12	(\$11,400 ^c)
Higher Education	
Community Colleges	\$746
California State University	496
University of California	408
Subtotal, Higher Education	(\$1,650)
Total	\$13,050

^a Up to \$100 million available for charter schools. Up to \$25 million available for reimbursements to homebuyers for fees paid to school districts to fund new facilities, but only in the event Proposition 46 fails.

^b Projects for which districts had submitted applications on or before February 1, 2002.

^c Up to \$20 million available for energy conservation projects.

50 percent of costs with local resources. The measure also provides that up to \$100 million of the \$3.45 billion in new construction funds is available for charter school facilities. (Charter schools are public schools that operate independently of many of the requirements of regular public schools.)

Modernization. The proposition makes \$3.3 billion available for the reconstruction or modernization of *existing* school facilities. Of this amount, \$1.9 billion would be available for backlog projects and \$1.4 billion for new proposals. Districts would be required to pay 40 percent of project costs from local resources.

Critically Overcrowded Schools. This proposition directs a total of \$1.7 billion to districts with schools which are considered critically overcrowded. These funds would go to schools that have a large number of pupils relative to the size of the school site.

Joint-Use Projects. The measure makes a total of \$50 million available to fund joint-use projects. (An example of a joint-use project is a facility constructed for use by both a K–12 school district and a local library district.)

Higher Education Facilities

The measure includes \$1.65 billion to construct new buildings and related infrastructure, alter existing buildings, and purchase equipment for use in these buildings for California’s public higher education

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

systems. The Governor and the Legislature would select the specific projects to be funded by the bond monies.

Related Bond Funding. The legislation which placed this proposition on the ballot provides \$651.3 million in lease revenue bonds to fund specific projects. Lease revenue bonds are similar to state general obligation bonds except they do not require voter approval and are not backed by the full faith and credit of the state. This would fund \$279 million for UC (7 projects), \$191.3 million for CSU (4 projects), \$170.5 million for the community colleges (11 projects), and \$10.5 million for the California State Library (1 project).

Future Education Bond Act

The legislation which placed this proposition on the ballot authorizes a \$12.3 billion bond measure to be placed on the 2004 primary election ballot. (If the voters do not approve this measure, the same bond

issue would be placed on the November 2004 ballot.) The bond measure would provide:

- \$10 billion for K–12 school facilities (with roughly half for new construction and a fourth each for modernization and critically overcrowded schools).
- \$2.3 billion for higher education (with \$920 million for community colleges and \$690 million each for UC and CSU).

FISCAL EFFECT

The cost of these bonds would depend on their interest rates and the time period over which they are repaid. If the \$13.05 billion in bonds authorized by this proposition are sold at an interest rate of 5.25 percent (the current rate for this type of bond) and repaid over 30 years, the cost over the period would be about \$26.2 billion to pay off both the principal (\$13.05 billion) and interest (\$13.15 billion). The average payment for principal and interest would be about \$873 million per year.

ARGUMENT IN FAVOR OF PROPOSITION 47

California's public schools used to be among the best in the nation. But years of neglect and inadequate funding have taken their toll.

Students can't learn and teachers can't teach in overcrowded and rundown classrooms.

Proposition 47 will help fix our schools...and help our students succeed.

PARENTS SUPPORT Proposition 47 because it BUILDS NEW SCHOOLS. Prop. 47:

- BUILDS THE NEW SCHOOLS we need for the hundreds of thousands of new students entering California classrooms in the coming years.

- BUILDS NEW CLASSROOMS to keep class sizes small. Our kids can't learn with 45 kids in their class!

LOCAL TEACHERS SUPPORT Proposition 47 because it REPAIRS AND RENOVATES OLD AND OUTDATED SCHOOLS. Prop. 47:

- FIXES LEAKY ROOFS, REPAIRS BATHROOMS that don't work and PUTS HEATING AND AIR CONDITIONING in our classrooms.

- GUARANTEES that our kids go to school in SAFE BUILDINGS THAT MEET EARTHQUAKE AND FIRE STANDARDS.

PARENTS AND TEACHERS SUPPORT Proposition 47 because it MAKES SURE THE MONEY IS SPENT WHERE IT IS NEEDED MOST. Prop. 47:

- GUARANTEES that new schools will be built where classes are already severely overcrowded.

- MAKES SURE that new and growing communities get their fair share of the funds to build the schools they need.

THE CALIFORNIA CHAMBER OF COMMERCE and the LEAGUE OF WOMEN VOTERS OF CALIFORNIA SUPPORT Proposition 47 because it INVESTS IN THE FUTURE OF OUR ECONOMY AND OUR WORKFORCE. Prop. 47:

- Provides money to WIRE OUR CLASSROOMS for the technology and computers our kids need to compete in college or career.

- Gives our students ACCESS TO the right TECHNOLOGY today to be prepared for the workforce and society of tomorrow.

The CALIFORNIA TAXPAYERS' ASSOCIATION SUPPORTS Proposition 47 because it PROTECTS TAXPAYERS AND SENIORS by holding schools accountable for how they spend our hard-earned dollars. Prop. 47:

- PROVIDES for AUDITS, COST CONTROLS and other ACCOUNTABILITY requirements to guard against waste and mismanagement.

- ASSURES that taxpayer funds CANNOT BE SPENT ON BUREAUCRACY or wasteful overhead—funds can only be spent to build or renovate schools.

The CALIFORNIA BUSINESS ROUNDTABLE SUPPORTS Proposition 47 because it also provides funds for California's colleges and universities. Prop. 47:

- BUILDS NEW COLLEGE CLASSROOMS to accommodate the tens of thousands of new students who will enter our campuses in the next few years.

- Upgrades aging college laboratories, libraries and research facilities so that they can continue to pave the way for NEW TECHNOLOGIES and INDUSTRIES.

Proposition 47 will provide \$13 billion for school construction and renovation for our public schools, colleges and universities—WITHOUT RAISING YOUR TAXES.

CALIFORNIA SCHOOLS ARE TURNING THE CORNER. Test scores are up and more students are meeting high standards.

BUT THERE IS STILL MUCH MORE WE CAN DO.

Join Republicans, Democrats and Independents—taxpayers and business leaders—the California Teachers Association and the California State PTA—seniors and women's groups and millions of Californians who all support our schools.

Invest in California's children and California's future.

VOTE YES on PROPOSITION 47.

ALLAN ZAREMBERG, *President*
California Chamber of Commerce

JAN HARP DOMENE, *President*
California State PTA (PTA)

LARRY McCARTHY, *President*
California Taxpayers' Association (CAL TAX)

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 47

Recently, a group of 30 Taxpayer Organizations from various parts of the State held a convention under the name California Taxpayers Coalition and unanimously voted to oppose Proposition 47 for one main reason—California currently has too much debt on the books.

As California voting taxpayers, we must come to grips with the massive amount of debt we're all on the hook for. Since 1985, California and its political subdivisions have sold over \$500,000,000,000 in various debt instruments. That's \$500 billion in debt! (For a complete list, go to www.peoplesadvocate.org)

It's time for California voters to put a stop to this bond-selling binge. Vote "No" on Proposition 47, and send Governor Davis and his cronies in the Legislature a real message.

Neither the Governor, the Treasurer, nor the Controller can tell us how much debt we currently have or how much of our tax money goes toward the interest school districts, cities, and counties pay each year. They simply don't keep those kinds of

records. This is far worse than the Enron or WorldCom scandals.

Both Moody's and Standard and Poor's have downgraded California's credit rating as a result of the erosion of the State's fiscal health. California's credit rating matters. Furthermore, it's outrageous that our Governor, Treasurer, or Controller can't tell us how much outstanding debt we have in California.

As taxpayers, we should not approve any new debt until our Governor tells us exactly how much debt we currently have on the books.

Vote "No" on Proposition 47.

EDWARD J. (TED) COSTA, *Chairman*
California Taxpayers Coalition

RALPH MORRELL, *President*
Northern California Committee for Limited Government

KEN STEADMAN, *President*
Waste Watchers, Inc.

ARGUMENT AGAINST PROPOSITION 47

California currently has tens of billions of dollars in outstanding bonds that we are paying interest on. Because we've passed so many bonds in recent years, California has been assigned the third lowest credit rating in the country. As such, we should be extremely careful whenever we consider taking on more debt.

There is no doubt that the school facilities shortage in our state is a serious problem that needs to be addressed. But Proposition 47 is the wrong solution. This bond is poorly written and patently unfair.

Prop 47 does not encourage immediate school construction. In fact, under this new scheme, the schools with the neediest kids aren't even obligated to *begin* building a single school for 6½ years. School districts can reserve bond money by simply stating an "intent" to build a school in a general location. They don't need to have plans drawn up, complete an environmental impact study, or even identify an approvable site. Schools built with the bond funds made available in 2004 would not have to break ground until 2011! In short, Prop 47 will allow these

districts to tie up money while other ready-to-build sites go unfunded and projects are delayed.

Additionally, Prop 47 favors the Los Angeles Unified School District (LAUSD) over every other district in the state. According to numbers from the Office of Public School Construction, LAUSD is eligible for over 24% of the new construction funds, even though it accounts for only 12% of the state's student population.

Tax dollars from across the state shouldn't be used to service a bond that so heavily favors a single school district. Say "No" to LAUSD's greed. Vote "No" on Prop 47.

WM. J. "PETE" KNIGHT, *Senator*
17th District, California State Senate
JON COUPAL, *President*
Howard Jarvis Taxpayers Association
LEWIS K. UHLER, *President*
National Tax Limitation Committee

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 47

The opponents are right about one thing: CALIFORNIA SCHOOLS *are* CRITICALLY OVERCROWDED. We need more than 13,000 NEW CLASSROOMS to ACCOMMODATE NEW STUDENTS and KEEP CLASS SIZE SMALL.

Here are some facts the opponents *didn't* get right:

Fact: Every CRITICALLY OVERCROWDED district is eligible *only* for its FAIR SHARE of Prop. 47 funds to build new classrooms. Every Central Valley school in line *will* be funded and *no* district, in Los Angeles or anywhere else, will get *more* than its fair share.

Fact: CLASSROOM CONSTRUCTION, REPAIR and SAFETY IMPROVEMENTS can BEGIN IMMEDIATELY if Prop. 47 passes. More than 2000 UNFUNDED PROJECTS are WAITING and READY TO BREAK GROUND—new classroom construction, moving kids out of portable trailers, earthquake safety improvements, wiring old classrooms to the Internet, upgrading electrical and fire alarm systems, repairing leaky roofs and installing heating and air conditioning.

Fact: California does *not* have a poor credit rating. On the contrary, the State Treasurer and respected bond rating services report CALIFORNIA'S BOND CREDIT RATING is HEALTHY and STRONG.

Fact: The California Taxpayers' Association supports Prop. 47 because school construction projects must comply with STRICT ACCOUNTABILITY requirements, including mandatory AUDITS, to SAFEGUARD AGAINST WASTE and MISMANAGEMENT.

Fact: Prop. 47 is part of a state/local partnership. WITHOUT PROP. 47's MATCHING FUNDS, MOST LOCAL SCHOOL BOND PROJECTS CANNOT BE COMPLETED.

Our children deserve a safe classroom and the individual attention they need to succeed.

Prop. 47 means...MORE CLASSROOMS and BETTER SCHOOLS...WITHOUT RAISING TAXES! VOTE YES on 47!

WAYNE JOHNSON, *President*
California Teachers Association
BILL HAUCK, *Co-Chair*
Taxpayers for Accountability and Better Schools
BARBARA B. INATSUGU, *President*
League of Women Voters of California



**COURT CONSOLIDATION.
LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

**COURT CONSOLIDATION.
LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

- Amends Constitution to delete references to the municipal courts. These references are now obsolete due to the consolidation of superior and municipal trial courts into unified superior courts previously approved by voters.
- Deletes from Constitution the provisions providing for municipal courts in each county and vesting judicial power of the state in municipal courts.
- Makes certain conforming and related changes in Constitution to reflect consolidation.
- Provides that the constitutional provision governing the transition process to a unified superior court will be automatically repealed on January 1, 2007.

**SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT
FISCAL IMPACT:**

- No additional cost to state or local government.

FINAL VOTES CAST BY THE LEGISLATURE ON ACA 15 (PROPOSITION 48)

Assembly:	Ayes 72	Noes 0
Senate:	Ayes 38	Noes 0

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

In 1998, California voters approved Proposition 220, which permitted superior and municipal courts, known as “trial courts,” within a county to consolidate their operations if approved by a majority vote of the superior court judges and municipal court judges in the county. Under consolidation, the superior court assumes jurisdiction over all matters handled previously by superior and municipal courts; municipal court judges become superior court judges and the municipal courts are abolished. All 58 California counties have since voted to consolidate their trial court operations. At the request of the Legislature, the California Law Revision Commission has made recommendations on repealing statutes that are obsolete because of trial court reforms, including those resulting from court consolidation.

PROPOSAL

This measure makes technical and conforming changes to the Constitution recommended by the

California Law Revision Commission related to court consolidation. Specifically, the measure deletes obsolete provisions relating to the creation of municipal courts, eligibility requirements for municipal court judges, and the consolidation of municipal and superior courts. As regards the consolidation of municipal and superior courts, constitutional provisions relating specifically to the transition period will be repealed effective January 1, 2007. Finally, the measure makes conforming changes to the Constitution with respect to the membership of superior court judges on the California Judicial Council and the membership of the Commission on Judicial Performance. The California Judicial Council oversees and administers the trial courts. The Commission on Judicial Performance handles complaints against judges.

FISCAL EFFECTS

This measure would not result in additional costs to state or local government.

ARGUMENT IN FAVOR OF PROPOSITION 48

This is a non-controversial change that updates the California Constitution. It passed each house of the Legislature unanimously.

Currently the state Constitution provides for two types of trial courts, superior and municipal courts, in each county. But due to unification of the trial courts, there are no longer any municipal courts in California.

However, the California Constitution still contains provisions dealing with municipal courts. These provisions are obsolete and need to be removed.

This proposition deletes these obsolete municipal court references from the California Constitution.

The proposition implements recommendations of the California Law Revision Commission, which was directed by law to recommend repeal of provisions that have become obsolete because of trial court unification.

HOWARD WAYNE, *Assembly Member*
78th District

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 48

LOST “CHECKS AND BALANCES”

As we explain in our main ARGUMENT AGAINST PROPOSITION 48 on the next page, removing all references in the California Constitution to “municipal courts” removes the possibility that the State Legislature or individual counties will ever re-establish a two-tier trial court system with its “checks and balances.”

UN-ELECTED JUDGES

Not many years ago, many “justice court” and “municipal court” judges were elected by districts within counties. Under consolidation, all local judges are elected on a county-wide basis and are seldom challenged. As a result, the incumbents routinely win by default, and their names do not even appear on the ballot. Under consolidation, the local judiciary has become more insular.

WHAT KEEPS JUDGES IN LINE?

Without the prospect of an election challenge, judges are restricted only by (1) their own integrity and

diligence, (2) some chance of reversal by an appellate court in individual cases, (3) the workings or non-workings of something called the “Commission on Judicial Performance,” and (4) if a crime is involved, the vigilance of prosecutors—especially the elected California Attorney General.

Based on our experience, we think the vast majority of California trial court judges are great; however, we need a system that makes every trial court judge accountable for following the law. Eliminating any chance of re-establishing municipal courts is a step in the wrong direction.

For more information, please see www.VoterInformationAlliance.org.

GARY B. WESLEY

Attorney at Law

MELVIN L. EMERICH

Attorney at Law

ARGUMENT AGAINST PROPOSITION 48

In this measure, the State Legislature is proposing that we permanently delete from the California Constitution any provision for “municipal courts.”

The main drawback to the proposal is that it would preclude the re-establishment of municipal courts in any of California’s 58 counties.

Why might a county want to re-establish a “municipal court” below its “superior court”? One reason might be to save money. Superior Court Judges are paid more.

An even more important reason, though, is that some counties (or even the State Legislature sometime in the future) may realize that having all of the trial court judges in a county part of the same “superior court” creates at least the appearance of unfairness. Allow us to explain.

Trial courts handle two kinds of cases that have been particularly affected by the “consolidation” of the municipal and superior courts in the 58 counties.

The first kind of case involves a criminal charge lodged by a local or state prosecutor. A criminal charge may be a “felony” or a less-serious “misdemeanor.” Both kinds of criminal charges potentially call for examination of the case by two or more judges.

A felony case is initiated by the filing of a charge which is presented either to a local criminal grand jury or, in over 95% of the cases, to a local judge sitting as a “magistrate.” If the grand jury or magistrate decides that the prosecutor has presented enough evidence of guilt (i.e., probable cause) to justify a trial, the prosecutor is authorized to proceed to trial.

At that point, the decision to allow the prosecutor to proceed may be challenged by the accused. Here we encounter a problem created by court consolidation. The judge who will hear the challenge will almost always be a

judge in the very same court as the judge whose decision is being challenged!

A misdemeanor case is ordinarily set for trial without any hearing to determine whether a trial appears justified. If you are convicted in a misdemeanor trial, you may appeal; however, the appeal is decided by a panel of 3 judges from the very same “superior court” in which you would have already been convicted!

Finally, a civil case which seeks \$25,000 or less is called a “limited jurisdiction case.” An appeal from a judgment in such a case, once again, is decided by a panel of 3 judges from the very same “superior court” in which you would have lost the case!

The basis for seeking review of what a judge has done in a case is that the judge ruled or acted wrongly. A one-court system which asks judges of the very same court to correct or rebuke their colleagues creates at least the appearance of unfairness.

Separate municipal and superior courts in the counties offered more “checks and balances” than the consolidated superior courts which have now been established. Some counties (or the State Legislature) may wish, in the future, to return to the former system.

For these reasons, we recommend that voters *not* permanently delete “municipal courts” from the California Constitution.

GARY B. WESLEY, *Co-Chair*
Voter Information Alliance (VIA)
MELVIN L. EMERICH, *Co-Chair*
Voter Information Alliance (VIA)

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 48

In 1998 the voters of California overwhelmingly approved Proposition 220 to authorize the elimination of the municipal courts. Municipal courts have been eliminated in every county, for estimated savings of \$23,000,000 a year for the taxpayers.

What remains to be done is the removal of obsolete language in the state constitution that references the no longer existing municipal courts. Proposition 48 accomplishes that goal.

The argument against Proposition 48 ignores what is before the voters. Instead, it argues for the advantages of having municipal courts. The voters already decided that issue four years ago by passing Proposition 220. It was approved because eliminating municipal courts allows more efficient use of judicial resources and eliminates administrative costs necessary to maintain two separate trial court systems.

The ONLY issue before us is, should obsolete provisions of the Constitution be eliminated? The

answer is clearly YES. Leaving obsolete references to municipal courts on the books would only clutter the law, while serving no useful purpose.

Any necessary improvements to the law regarding review of magistrate decisions that there is sufficient evidence to try a defendant for a crime, or for appeals in misdemeanor and smaller civil cases can be made to the existing appeals court system. It should not be accomplished by re-creating another level of courts that the public has already voted to eliminate.

Proposition 48 would prune deadwood from the California Constitution. Obsolete language unnecessarily complicates the law.

Vote YES on Proposition 48.

HOWARD WAYNE, *Assembly Member*
78th District
DAVID HUEBNER, *Chair*
California Law Revision Commission

**BEFORE AND AFTER SCHOOL PROGRAMS.
STATE GRANTS. INITIATIVE STATUTE.**



OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

**BEFORE AND AFTER SCHOOL PROGRAMS.
STATE GRANTS. INITIATIVE STATUTE.**

- Increases state grant funds available for before/after school programs, providing tutoring, homework assistance, and educational enrichment.
- Makes every public elementary, middle/junior high school, including charter schools, eligible for after school grants ranging from \$50,000–\$75,000. Maintains local funding match requirement.
- Provides priority for additional funding to schools with predominantly low-income students.
- Requires that, beginning 2004–05, new funding for before/after school programs not be taken from education funding, guaranteed under Proposition 98. Gives priority to schools already receiving grants and requires increasing expenditures only if state revenues grow.

**SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT
FISCAL IMPACT:**

- Additional annual state costs for before and after school programs of up to \$455 million, beginning in 2004–05.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

The state currently funds a before and after school program for pupils in public elementary, middle, and junior high schools. The program (officially known as the Before and After School Learning and Safe Neighborhoods Partnership Program) provides competitive grants for schools to offer educational enrichment and either tutoring or homework assistance before and/or after “regular” school hours. The program requires a local match and gives priority to serving pupils from schools with at least 50 percent of pupils eligible for federally subsidized meals. Under existing law, *after* school grants generally do not exceed \$75,000 for elementary schools and \$100,000 for middle and junior high schools for each regular school year, and *before* school grants generally do not exceed \$25,000 for elementary schools and \$33,000 for middle and junior high schools. However, large schools can receive higher grant amounts. Participating schools are also eligible to receive a supplemental grant to operate a program during summer or other vacation periods. The state spent \$95.3 million for the program in 2001–02.

Similar to the state’s program, the federal government also provides academic and recreational activities before and after regular school hours to students at many sites in California. The state will receive \$41.5 million in federal funds in 2002–03 to administer and provide new grants to local education agencies and community-based organizations for these activities.

Resources Available for Similar Services. In addition to the above before and after school programs, the state and federal governments provide potential sources of funds for before and after school services.

- The state provides a total of \$475 million annually for supplemental instruction outside the regular classroom (before or after school, summer, or other vacation periods) in order to improve the academic skills of pupils in various subjects.
- Both the state and federal government provide a combined \$215 million annually for numerous programs that can provide before and after school services such as: (1) after school child care, (2) college outreach programs, (3) mentor programs, and (4) crime prevention activities.

Before and after school programs are also offered to students in local communities through many private organizations, religious institutions, and local parks and recreation centers. Many students also participate in extracurricular activities, including school sports, after regular school hours.

PROPOSAL

This proposition makes various funding changes to the state’s Before and After School Learning and Safe Neighborhoods Partnership Program. The measure also renames the program to the After School Education and Safety Program (funds would still be available for before school programs) and makes other technical programmatic changes.

Funding Provisions

The measure’s funding changes are summarized below.

Increased Before and After School Funding. Under Proposition 98, approved by the voters in 1988, the State Constitution requires appropriation of a minimum annual amount for public schools and community colleges (K–14 education) from the state General Fund and local property tax revenues. Generally, this annual amount is based on prior-year spending adjusted for growth in the number of students attending public schools and growth in the state’s economy.

Beginning in 2004–05, this measure requires a specific spending level each year for the renamed After School Education and Safety Program. The annual amount would be up to \$550 million, and would depend on the growth in General Fund spending outside of Proposition 98. The measure specifies that funding for the program would be “continuously appropriated” (that is, appropriated automatically each year without further legislative action) and that the statutes authorizing the continuous appropriation may not be amended by the Legislature.

New Funding Priorities Within Before and After School Program. Beginning in fiscal year 2004–05, the measure establishes new funding priorities. First, schools that received a state before or after school grant in 2003–04 would continue to receive an equivalent grant amount in 2004–05

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

and each subsequent year. The second priority under the measure is to make every elementary, middle, and junior high school eligible to receive a new After School Education and Safety Universal Grant to operate after school programs during the regular school year. However, if available funding were insufficient to provide after school funding to all schools, priority for the new grants would be consistent with current law, targeting schools with at least 50 percent of its pupils eligible for federally subsidized meals. If the first and second priorities are fully funded, any additional funds would be distributed for both before and after school programs based on current priorities and funding rules. The measure allows schools receiving a grant under the first two priorities to apply for these additional funds.

Funding Rules for New After School Universal Grants.

Under this measure, schools awarded a universal after school grant would be reimbursed up to \$5 per participating pupil per day. This funding rate is the same as the after school component of the current state program. However, the measure caps the new universal grants at lower amounts—\$50,000 for elementary schools and \$75,000 for middle and junior high schools—for each regular school year. In addition, these grant amounts would not be adjusted upward for large schools. As with existing law, schools receiving a grant would need \$1 in local matching funds for each \$2 of universal grant funds.

Funds for Training, Evaluation, and State Administration. Beginning in 2004–05, this measure allows the State Department of Education (SDE) to spend up to 1.5 percent of the funds for the After School Education and Safety Program on program evaluations and training, and support for program implementation and development. The department may also use program funds to cover the costs of awarding and monitoring program grants.

Program Provisions

With regard to programmatic changes, the proposition:

- Provides flexibility to conduct before and after school programs away from school sites, but requires that offsite locations be approved by SDE.
- Adds computer training as an additional subject area for permissible tutoring or homework assistance and adds fine arts and physical fitness activities as types of permissible activities for educational enrichment.

- Requires local law enforcement agencies to be included in the planning process of every program.
- Directs SDE to annually notify all schools of the availability of before and after school grants.

FISCAL EFFECTS

Impact on Before and After School Spending. Based on the measure's funding formula and our projections of future state spending, we estimate that the maximum amount required by the proposition—\$550 million—would be available in 2004–05 for the After School Education and Safety Program. (The Legislature could appropriate additional funds above this amount at its discretion.) This is about \$455 million above the program's funding level in 2001–02. (The actual level of future funding for this program absent this measure would depend on future legislative action.)

Impact on Overall State Spending. While the measure would increase spending on before and after school programs, its overall impact on state spending would range from no additional cost to \$455 million beginning in 2004–05. The actual impact would depend on future legislative actions, as follows:

- **Allocate Funds Within Proposition 98 Minimum Guarantee.** If the Legislature were to increase funding for the After School Education and Safety Program in 2003–04 (the year prior to the effective date of the measure's funding requirements), the additional funding could come from available funds allocated *within* the Proposition 98 minimum funding guarantee. (Since the guarantee generally grows faster than enrollment growth and increases in cost of living, additional funding could be provided for this program without affecting existing programs.) By providing some or all of the required program expansion in 2003–04, the state could reduce—or even eliminate—additional costs in 2004–05 and each subsequent year. Under this scenario, additional funds would be awarded to schools in 2003–04 based on priorities and funding rules set by the Legislature.
- **Allocate Funds Above Proposition 98 Minimum Guarantee.** If, on the other hand, additional funds were provided to the program in 2004–05 (the first year of the measure's funding requirements), these funds would be *on top* of the state's minimum funding requirement for

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

Proposition 98 for that year. In effect, this would cause the state to “over-appropriate” Proposition 98’s minimum requirement. This would result in a permanent increase in the annual level of state appropriations for K–14 education and make less money available for other General Fund supported programs. The additional funds provided to the program in 2004–05—which could be as much as \$455 million—would be awarded to schools

based on the funding priorities established by this proposition. These additional funds would first be used to provide schools with a universal after school grant.

Administrative Costs. We estimate that the amount of funds needed from the \$550 million appropriation for SDE to provide technical assistance, evaluation, and state administration would total in the low millions of dollars annually.

ARGUMENT IN FAVOR OF PROPOSITION 49

Proposition 49 will:

- Make our neighborhoods safe
- Give our children a safe, educational, and recreational place to go after school
- Save taxpayers money
- Help working families

Proposition 49 is funded out of future growth in state revenues, but only after our economy has recovered. IT WILL NOT REQUIRE AN INCREASE IN TAXES OR AFFECT THE CURRENT BUDGET. The prestigious Rose Institute says Proposition 49 saves society approximately \$9 for every \$1 invested. THE RETURN TO TAXPAYERS ALONE IS APPROXIMATELY 3 DOLLARS FOR EVERY 1 TAX DOLLAR INVESTED. That's why it's endorsed by taxpayer watchdog groups such as the California Taxpayers' Association, the National Tax Limitation Committee and the Howard Jarvis Taxpayers Association.

Proposition 49 provides over \$400 million in direct grants to elementary and junior high schools. These funds can ONLY be used for after school programs.

Recent studies of existing after school programs by major universities and think tanks such as UCLA, UC Irvine, USC, and the Rand Institute are unanimous—after school programs change lives by improving grades and reducing crime.

POLICE STATISTICS SHOW THAT VIOLENT JUVENILE CRIME—HOMICIDE, RAPE, ROBBERY, AND ASSAULT—INCREASES DRAMATICALLY DURING THE AFTER SCHOOL HOURS BETWEEN 3PM AND 6PM, creating a “danger zone” for our kids and our neighborhoods. 3PM to 6PM is the time when up to 1 million California kids under the age of 15 may be left unsupervised. These are the hours when kids are most likely to join gangs, use alcohol and tobacco, and become addicted to drugs.

A study of the most crime-ridden schools in Los Angeles showed CRIME RATES DROPPED 40% WHEN THOSE SCHOOLS OFFERED AFTER SCHOOL PROGRAMS. In another study, vandalism and stealing plummeted 66%, while violent acts, carrying

concealed weapons, and arrests were reduced 50% among program participants.

PROPOSITION 49 IMPROVES GRADES AND TEST SCORES. Studies show that after school programs increase scores on standardized math and reading tests and improve grades, while decreasing the incidence of grade repetition, dropping out of school, and remedial education.

Proposition 49 was put on the ballot by nearly 800,000 Californians. IT IS SUPPORTED BY THE WIDEST COALITION OF CALIFORNIANS OF ANY BALLOT MEASURE IN RECENT MEMORY.

PROPOSITION 49 IS ENDORSED BY:

LAW ENFORCEMENT: Attorney General Bill Lockyer, California State Sheriffs' Association, California District Attorneys Association, California Narcotic Officers' Association, California Peace Officers' Association, California Police Activities League, Fight Crime: Invest in Kids, and almost 60 individual police chiefs.

EDUCATION: California Teachers Association, California Parent Teachers Association (PTA), California School Employees Association, Children Now, and hundreds of school superintendents and principals.

TAXPAYERS ORGANIZATIONS: California Taxpayers' Association, National Tax Limitation Committee, Howard Jarvis Taxpayers Association.

OTHER LEADERSHIP GROUPS: American Association of Retired Persons (AARP), California Chamber of Commerce, California Business Roundtable, California YMCA, California Girl Scouts, Hispanic 100, the Democratic Speaker of the Assembly, the Republican Leader of the Senate, over 70 Mayors and 200 other public officials of both parties, from Members of Congress to City Council members. JOIN US AT WWW.JOINARNOLD.COM.

ARNOLD SCHWARZENEGGER

WAYNE JOHNSON, *President*

California Teachers Association

WARREN RUPF, *President*

California State Sheriffs' Association

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 49

The decision to oppose Prop 49 was not easy, because we knew that most organizations with serious concerns about the measure would choose to remain silent.

But the League of Women Voters of California is not intimidated by the popularity and economic strength of a ballot measure's proponent. Our obligation is informing voters of *responsible* approaches to the critical issues facing Californians.

We actively support quality after school programs that change lives by improving academic performance and reducing crime.

The League believes it is our collective responsibility to promote the well being of children and encourage them to reach their full potential.

But this requires *more* than just after school programs.

It requires programs that provide child protection, family advocacy, medical care, dental care, mental health care and assistance in meeting such basic human needs...food, clothing and housing.

Maybe you support all these children's programs, but *other* priorities are also important to you—like environmental protection, public health care, senior assistance and trauma centers.

None of these important programs has guaranteed funding. But Prop 49 fully funds one after school program, year after year, in good budget times and bad.

Is that fair? Is that good public policy?

We ask you to go beyond the rhetoric. Study the issues. Look at the larger picture. Don't be fooled into thinking Prop 49 can solve all of society's problems.

Don't allow \$550,000,000 of your tax dollars to be isolated from the budget process each year.

Stop Prop 49.

BARBARA INATSUGU, *President*

League of Women Voters of California

ARGUMENT AGAINST PROPOSITION 49

Proposition 49 is a bad approach to a good cause.

Prop 49 looks good, but in reality it disregards principles of good government by reducing government's flexibility to respond to changing needs and priorities. It takes a specific after school program, which many people will see as worthwhile, and sets it apart from all other needs funded by your tax dollars.

Read carefully. Look beyond rhetoric. See the larger picture.

This program will:

- be entitled to guaranteed funding every year, in good budget times *and bad*.
- get a free pass through the budget process *every year*.
- receive *special protection* not afforded to other priorities like public safety, health care, environmental protection, transportation, social service programs, tax cuts and even other after school programs.

And because this program receives special protection from budget cuts, it means that in times of economic downturn *other programs* may be cut to fund it—even those with potentially greater impact on children.

INADEQUATE PROVISIONS FOR RISING COSTS AND AN ONGOING BUDGET CRISIS. The drafters of this initiative say that other programs won't be cut to pay for it, because they have included a provision that would only expand after school spending when spending on other programs has also significantly expanded. Their assumption is that if there is money to expand programs like health care or public safety, there should be money to expand after school programs too.

The problem is that their trigger is too small. Inflation and population growth alone will require twice the amount they've

calculated. In tough budget times like these, that will mean other programs *will* have to be cut, or taxes raised.

A DANGEROUS PRECEDENT. Proposition 98, passed by voters in 1988, sets aside a portion of the state budget for K–14 education programs. But the amount spent on *specific* programs is still decided during the budget process, every year. No program, regardless of how worthy, gets a free ride—yet.

Prop 49 is the first attempt to earmark money for one particular program within the Proposition 98 guarantee.

Prop 49 would increase the Proposition 98 guarantee level without raising additional revenues, so that programs funded outside the guarantee would be more vulnerable during economic downturns.

If Prop 49 passes, other special interests will try similar measures in future elections. The result?

- Less flexibility to address future and changing education needs.
- Less money available in the non-Prop 98 part of the budget for other programs that directly impact the lives of our children, such as certain childcare programs, environmental programs, health care and social services.
- Less discretionary money available for local school districts.

Look at the bigger picture. VOTE NO ON PROP 49.

BARBARA INATSUGU, *President*
League of Women Voters of California

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 49

The League of Women Voters is nearly alone in their opposition to Proposition 49. And even they say 49 is “a good cause.” Here’s why:

Studies by major universities prove that **AFTER SCHOOL PROGRAMS REDUCE GANG ACTIVITY, REDUCE ALCOHOL AND DRUG USE, IMPROVE GRADES AND TEST SCORES AND MAKE OUR COMMUNITIES SAFER FOR EVERYONE.**

AND PROPOSITION 49 WILL SAVE TAXPAYERS MONEY. FOR EVERY \$1 INVESTED, TAXPAYERS SAVE \$3 BY REDUCING THE COSTS OF JUVENILE CRIME, REMEDIAL EDUCATION AND GRADE REPETITION.

The League’s counter arguments are primarily technical budgeting arguments and, according to state budget experts and taxpayer organizations, they are simply mistaken.

SECTION 10D OF PROPOSITION 49 SPECIFICALLY STATES THAT AFTER SCHOOL PROGRAMS ARE NOT GUARANTEED ANNUAL FUNDING. Funds can be cut in bad budget years in exactly the same way other education programs are cut.

PROPOSITION 49 WILL BE FUNDED ONLY AFTER OUR ECONOMY RECOVERS. STATE REVENUES FOR NON-EDUCATION PROGRAMS MUST GROW BY AT LEAST \$1.5 BILLION BEFORE PROPOSITION 49 GETS

A DIME. Budget experts and taxpayer organizations agree that \$1.5 billion is enough to protect vital programs such as **HEALTH CARE, PUBLIC SAFETY and EDUCATION—WITHOUT RAISING TAXES.**

Proposition 49 allows intergenerational mentoring through use of seniors and saves money by using existing school facilities.

PROPOSITION 49 HAS BEEN ENDORSED BY MAJOR STATEWIDE ORGANIZATIONS REPRESENTING: DOCTORS, SENIOR CITIZENS, TAXPAYER ADVOCATES, EDUCATORS, DISTRICT ATTORNEYS, FIREFIGHTERS, LABOR UNIONS, SHERIFFS, POLICE OFFICERS, CRIME VICTIMS, CHAMBERS OF COMMERCE and by PROMINENT REPUBLICAN AND DEMOCRATIC ELECTED OFFICIALS, ACADEMIC and COMMUNITY LEADERS.

JON COUPAL, *President*
Howard Jarvis Taxpayers Association
JAN HARP DOMENE, *President*
California State Parent Teachers Association
TOM PORTER, *California State Director*
AARP

**WATER QUALITY, SUPPLY AND SAFE DRINKING
WATER PROJECTS. COASTAL WETLANDS PURCHASE
AND PROTECTION. BONDS. INITIATIVE STATUTE.**



OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

**WATER QUALITY, SUPPLY AND SAFE DRINKING
WATER PROJECTS. COASTAL WETLANDS PURCHASE
AND PROTECTION. BONDS. INITIATIVE STATUTE.**

- Authorizes \$3,440,000,000 general obligation bonds to fund a variety of water projects, including:
 - Specified CALFED Bay-Delta Program projects including urban and agricultural water use efficiency projects;
 - Grants and loans to reduce Colorado River water use;
 - Purchasing, protecting and restoring coastal wetlands near urban areas;
 - Competitive grants for water management and quality improvement projects;
 - Development of river parkways;
 - Improved security for state, local and regional water systems;
 - Grants for desalination and drinking water disinfection.
- 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 up to \$6.9 billion over 30 years to pay off both the principal (\$3.44 billion) and interest (\$3.46 billion) costs on the bonds. Payments of about \$230 million per year.
- Reduction in local property tax revenues, ranging from a few million dollars to roughly \$10 million annually, about one-half of which would be offset by state payments to schools to make up their revenue loss.
- Unknown costs to state and local governments to operate or maintain properties or projects purchased or developed with these bond funds.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Coastal Protection and Water Resources Programs. The state administers a number of programs to acquire and protect coastal wetlands and watersheds, conserve and protect water resources, and develop and improve the reliability of water supplies. The state also provides grants and loans to local agencies and nonprofit organizations for similar purposes. These programs are for a variety of specific purposes, including:

- **Coastal Wetlands and Watersheds.** The state has provided funds to acquire and restore coastal wetlands and watersheds.
- **Safe Drinking Water.** The state has provided funds for loans and grants to public water systems for facility improvements to meet safe drinking water standards.

- **Bay-Delta Restoration.** The state has also funded the restoration and improvement of fish and wildlife habitat in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (the Bay-Delta). Additionally, the state has funded water quality and supply projects in the Bay-Delta region which supplies a substantial portion of the water used in the state for domestic, industrial, agricultural, and environmental purposes. These funds have been provided through the CALFED Bay-Delta Program which is a joint state and federal effort to better manage water resources in this region.
- **Other Water Quality and Water Supply Projects.** The state has also provided funds for various other projects throughout the state that improve water quality and/or supply. For example, the state has provided loans and

ANALYSIS BY THE LEGISLATIVE ANALYST (CONT.)

grants to local agencies for the construction and implementation of wastewater treatment, water recycling, and water conservation projects and facilities. Also, the state has provided funds to line canals to conserve Colorado River water.

Funding for Coastal Protection and Water Resources Programs. Funding for these programs has come from various sources, including the state General Fund, federal funds, and general obligation bonds. Since 1990, voters have approved about \$3 billion in bonds that are primarily for water-related purposes. It is estimated that about \$1.9 billion of the bonds authorized by these previous bond acts will have been spent or committed to specific projects as of June 2002, leaving a balance of about \$1.1 billion for future projects. In addition, in March 2002, voters approved a \$2.6 billion resources bond measure. A majority of the funds from that bond are for park-related projects, although some funds are available for water conservation and water quality projects.

PROPOSAL

This measure allows the state to sell \$3.44 billion in general obligation bonds for various water-related programs. Figure 1 summarizes the purposes for which the bond money would be available for expenditure by various state agencies and for loans and grants to local agencies and nonprofit associations. It shows that more than half of the funds would be allocated to two purposes—coastal protection and the CALFED Bay-Delta Program.

FISCAL EFFECTS

Bond Costs. The cost of these bonds would depend on their interest rates and the time period over which they are repaid. If the bonds were sold at an interest rate of 5.25 percent (the current rate for this type of bond) and repaid over 30 years, the cost would be about \$6.9 billion to pay off both the principal (\$3.44 billion) and interest (\$3.46 billion). The average payment would be about \$230 million per year.

However, total costs to the state will be somewhat less. This is because the measure requires that loans made for coastal nonpoint source pollution control (up to \$100 million) be repaid to the General Fund. The repayment of these loans could reduce the General Fund costs by up to \$100 million (not including interest payments) over the life of the bonds.

Property Tax-Related Impacts. The measure provides funds for land acquisition by governments and nonprofit organizations, for various purposes including coastal protection. Under state law, property owned by government entities, and by nonprofit organizations under specified conditions, is exempt from property taxation. To the extent that this measure results in property being exempted from

FIGURE 1

PROPOSITION 50 USES OF BOND FUNDS

(In Millions)	Amount
Coastal Protection	\$950
• Wetlands acquisition, protection, and restoration	750
• Watershed protection	200
CALFED Bay-Delta Program	\$825
• Water use efficiency and conservation	180
• Water supply reliability	180
• Ecosystem restoration	180
• Watershed protection	90
• Water conveyance	75
• Delta levee restoration	70
• Water storage planning and studies	50
Integrated Regional Water Management	\$640
• Various water supply, pollution reduction, water treatment, flood management, and wetlands restoration projects	500
• Land and water acquisitions to improve/protect water quality, water supply reliability, and fish and wildlife habitat	140
Safe Drinking Water	\$435
• Small community drinking water system upgrades, contaminant removal and treatment, water quality monitoring, drinking water source protection	
Clean Water and Water Quality	\$370
• Water pollution prevention, water recycling, water quality improvements	100
• River parkway projects	100
• Coastal nonpoint source pollution control	100
• Lake Tahoe water quality improvements	40
• Land and water acquisitions to protect water quality in the Sierra Nevada-Cascade Mountain Region	30
Desalination and Water Treatment Project	\$100
• Desalination projects, treatment/removal of specified contaminants, drinking water disinfecting projects	
Colorado River Management	\$70
• Ecosystem restoration	50
• Canal lining	20
Water Security	\$50
• Protection of drinking water systems from terrorist attacks and other deliberate acts of destruction or degradation	
Total	\$3,440

taxation due to acquisitions by governments and nonprofit organizations, local governments would receive reduced property tax revenues. We estimate these reduced property tax revenues would range from a few million dollars to roughly \$10 million annually. Because existing law requires the state to make up for any property tax losses experienced by schools, we estimate about one-half of any losses resulting from this change would be offset by the state.

Operational Costs. State and local governments may incur additional costs to operate or maintain a property or project that is purchased or developed with the bond funds. The amount of these additional costs is unknown.



**WATER QUALITY, SUPPLY AND SAFE DRINKING WATER PROJECTS.
COASTAL WETLANDS PURCHASE AND PROTECTION. BONDS. INITIATIVE STATUTE.**

ARGUMENT IN FAVOR OF PROPOSITION 50

YES ON 50. PROTECT OUR DRINKING WATER SUPPLY AND COASTLINE.

Our water supply is threatened by pollution, recurring drought, population growth, and inadequate security.

Proposition 50 will help overcome these threats and provide every California family a safe, reliable supply of clean drinking water by:

- Removing dangerous, cancer causing pollutants from our drinking water.
- Creating new water supplies to keep up with population growth.
- Keeping raw sewage and pollution out of our coastal waters and cleaning up beaches and bays.
- Protecting rivers, lakes and streams and preserving coastal wetlands.
- Protecting our reservoirs, dams, pumping stations and pipelines from terrorist threats and intentional contamination.

YES ON 50 KEEPS OUR WATER FLOWING

California's population is expected to nearly double in the next forty years. Proposition 50 funds state and local water system improvements needed to keep up with population growth by providing new water supplies and supporting water conservation programs.

YES ON 50 KEEPS OUR WATER CLEAN

Proposition 50 funds improved drinking water treatment to remove dangerous cancer causing chemicals, including arsenic, chromium and MTBE from our drinking water.

YES ON 50 KEEPS OUR WATER SAFE

Many of California's reservoirs, dams and pumping stations are protected by little more than a chain link fence. Proposition 50 protects local water delivery systems from terrorist threats and intentional contamination by funding early warning systems, alarms, fences, security systems, testing equipment and upgraded communications systems.

YES ON 50 PROTECTS OUR BEACHES, BAYS AND COASTLINE

Many of California's most beautiful beaches are unsafe for swimming because of pollution and raw sewage. Proposition 50 will fix aging local sewer and storm water systems that dump urban runoff into coastal waters. Proposition 50 also provides for

protection and restoration of coastal wetlands vital to restoring the water quality, fisheries and wildlife of the San Francisco, Santa Monica and San Diego bays and of the coastal waters of the state.

YES ON 50 WILL NOT RAISE TAXES

Proposition 50 will use existing tax revenue where it is needed now—to protect our water supply and ensure safe drinking water for all Californians.

YES ON 50—SUPPORTED BY LOCAL WATER AGENCIES, CONSERVATION GROUPS, BUSINESS AND COMMUNITY GROUPS, INCLUDING:

- Metropolitan Water District of Southern California
- Contra Costa Water District
- East Bay Municipal Utility District
- League for Coastal Protection
- Heal the Bay
- Los Angeles Area Chamber of Commerce
- League of Women Voters of California
- The Nature Conservancy
- Southern California Agricultural Land Foundation
- National Wildlife Federation
- Audubon California
- American River Conservancy
- League to Save Lake Tahoe
- Clean Water Action

YES ON 50—PROTECT CALIFORNIA'S FUTURE:

California's future depends on investment in water supply and security, water quality and safe drinking water projects and on protecting our rivers, lakes, bays and coastal waters from contamination. Proposition 50 provides the funds that local water districts need to serve California's growing population.

Please join our campaign to protect California's water supply and coastline: www.prop50yes.com

BARBARA INATSUGU, *President*
League of Women Voters of California

DAN TAYLOR, *Vice President*
National Audubon Society

MARGUERITE YOUNG, *California Director*
Clean Water Action

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 50

To say Proposition 50 creates "new water sources to keep up with population growth" is an outright lie. Just read Section 79560 of the initiative, it strictly prohibits bond funds from being spent for building new dams or reservoirs.

To say it "will not raise taxes" is another lie. Proposition 50 will cost California Taxpayers a total of \$5.7 billion—that's \$227 million each year for the next 25 years. Furthermore, this initiative does nothing to complete the California Water Project sponsored by Gov. Pat Brown to meet our long range water needs.

Millions of acre-feet of water flow down the Sacramento, through the Golden Gate, into the ocean each year. A canal is desperately needed to divert water around the Delta so it can flow down the California Aqueduct to drought stricken areas of our State. Proposition 50 does nothing to address this badly needed source of new water.

Proposition 50 is more about money than water. The proponents solicited various special interests and apparently traded bond monies for campaign cash. It's called *quid pro quo* and under normal circumstances, it's illegal. However, in the arena of initiative politics, it's not illegal. Some of the largest real estate developers in California are big investors in this scheme to extract \$3.44 billion from the taxpayers.

The principals of the San Juan Company put up \$50,000 for the effort at the same time they are trying to get approval to build 14,000 houses in an environmentally sensitive southern Orange County.

EDWARD J. (TED) COSTA, *Chairman*
California Taxpayers Coalition

RICHARD AHERN, *Vice President*
Waste Watchers, Inc.

ARGUMENT AGAINST PROPOSITION 50

It seems like every time we have a general election, someone asks for a few billion dollars for safe drinking water. This time we are being asked to pass the largest water bond in history. A whopping \$5.7 billion—when you consider the principal (\$3.44 billion) and the interest (\$2.24 billion).

In spite of all the water bonds California taxpayers have approved in the last 30 years, our Governor and Legislature have taken no action to develop new water storage facilities. In fact, the construction of dams and reservoirs has been at a virtual standstill for many years in California.

Most of water bond monies California voters have been approving have gone for endless studies of the problem, and to pander to unrealistic environmental demands.

It's time for all good taxpayers to say "no dice" to these bond schemes that do nothing to improve our long range water supply.

Yes, we are fast approaching a big water shortage crisis in California, the likes of which we have never seen before. Proposition 50 provides virtually no money to alleviate that crisis.

We need new dams on the American River at Auburn and on the upper San Joaquin River at Friant. \$3.44 billion will build both of them and provide us with a much needed new water supply.

We need to build the Sites Reservoir in Colusa County, and the Los Banos Grande Reservoir in Merced County to store an additional 6 million acre feet of new water for drought protection and to accommodate all the new construction of the last 30 years. \$3.44 billion would go a long way to build these worthwhile new reservoirs.

All of California desperately needs a diversion channel around the Delta so that excess water that now flows out the Golden

Gate into the ocean can be sent to drought stricken areas of our State. \$3.44 billion would substantially fund that project.

Proposition 50 does nothing to start, or plan for completion of any of the projects listed above.

Proposition 50 has been described as the "stealth bond issue." Proponents are trying to sell it as a clean drinking water initiative. However, all California taxpayers should know it was drafted by a Sacramento lobbyist for several environmental groups and the Metropolitan Water District of Southern California.

Supporters then hired professional signature gatherers and paid as much as \$2.50 a signature to qualify this deceptive initiative for the ballot.

What Proposition 50 really does is dole out bond funds to the pet projects of those environmental groups that paid to put it on the ballot. And, you and your children will have to come up with \$227 million each year for the next 25 years to pay for it.

Recently, a group of 30 taxpayer organizations from around the State met in Convention under the name California Taxpayer's Coalition and voted unanimously to oppose Proposition 50.

Vote no on Proposition 50.

For more information tedcosta@tedcosta.com or peoplesadvocate.org 1-800-501-8222.

ERNIE DYNDA, *President*
United Organizations of Taxpayers
EDWARD J. (TED) COSTA, *CEO*
People's Advocate
TOM C. ROGERS, *Chairman*
Citizens Against Unfair Taxation

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 50

PROP 50 IS NEEDED NOW TO PROVIDE A CLEAN, RELIABLE AND SAFE WATER SUPPLY FOR OUR FAMILIES AND OUR FUTURE.

We've made progress in improving water quality and reliability, but there's a lot more that needs to be done now. Prop 50 supports vitally needed water projects critical to ensuring clean drinking water and a reliable water supply.

Even the small groups opposing Prop 50 agree that OUR LOOMING WATER CRISIS MUST BE RESOLVED. But their approach, coming from people claiming to represent taxpayers, would cost drastically more than Prop 50's cost-effective approach.

PROPOSITION 50 WILL:

- *Keep our drinking water clean* by removing toxic substances and protecting our rivers, lakes and streams.
- *Keep our water flowing* by providing new water supplies, improving local water systems, and supporting water efficiency and conservation programs.
- *Protect our beaches, bays and coastline* by repairing aging sewer and storm water systems.

- *Keep our water system safe and secure* by protecting against terrorist threats and intentional contamination.

"Local water agencies responsible for providing Californians with safe drinking water agree: Prop 50 is vitally needed to provide a reliable supply of clean drinking water."—James Pretti, President of the Board, Contra Costa Water District

"Nothing is more important than secure water supplies. Prop 50 can help avert attacks on and contamination of our drinking water supply."—Lieutenant Ed Gray, President, California Organization of Police and Sheriffs

JOIN public safety groups, public health experts, water agencies, conservation groups, businesses and community groups throughout California in voting YES ON 50.

DAN TERRY, *President*
California Professional Firefighters
BARBARA INATSUGU, *President*
League of Women Voters of California
PHILLIP J. PACE, *Chairman*
Metropolitan Water District of Southern California

**TRANSPORTATION. DISTRIBUTION OF EXISTING MOTOR
VEHICLE SALES AND USE TAX. INITIATIVE STATUTE.**



OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

**TRANSPORTATION. DISTRIBUTION OF EXISTING MOTOR VEHICLE SALES AND USE TAX.
INITIATIVE STATUTE.**

- Creates “Traffic Congestion Relief and Safe School Bus Trust Fund.”
- Redistributes portion of existing state revenues from motor vehicle sales/leases from General Fund to Trust Fund for transportation, environmental, and safety programs.
- Allocates portion of these funds for: school bus safety; clean air programs; highway improvements; mass transit improvements including bus purchase, commuter and light rail expansion.
- Provides funds for environmental enhancement programs and traffic mitigation programs.
- Allocates money to 45 specific projects. For remainder of Trust Fund, specifies distribution percentages, restricts fund uses, requires accountability mechanisms.

**SUMMARY OF LEGISLATIVE ANALYST’S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT
FISCAL IMPACT:**

- Redirects specified General Fund revenues to state and local transportation-related purposes of about \$420 million in 2002–03, \$910 million in 2003–04, and increasing amounts annually thereafter, depending on the increase in the sale and leasing of motor vehicles.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

California levies a state sales tax of 6 percent on most goods sold in the state. (Local governments levy additional sales taxes, which are used for local purposes.) In 2000–01, California collected about \$27 billion in state sales tax revenues, including about \$3.4 billion from the sale and lease of new and used motor vehicles.

Most of the revenues from the *state* sales tax go to the state General Fund, and are available for a variety of programs, including education, health, social services, and corrections. Less than 1 percent of the state sales tax revenue is dedicated to transportation purposes. Beginning in 2003–04, most of the state sales tax revenue generated from the sale of gasoline also will be used exclusively for transportation. As a result, about 4.5 percent of state sales tax revenues will be dedicated for transportation purposes.

California spends about \$16.5 billion a year to maintain, operate, and improve its highways, streets and roads, rail and transit systems. This money comes primarily from federal and state taxes (including state sales tax) on gasoline and diesel fuel, truck weight fees, and local taxes.

PROPOSAL

This measure redirects to transportation-related purposes 30 percent of the sales tax revenue from the lease and sale of new and used motor vehicles that currently goes to General Fund supported programs. Under the measure, these revenues would continue to be deposited in the General Fund and then transferred to a new Traffic Congestion Relief and Safe School Bus Trust Fund. The money in this new fund would be used for the purposes shown in Figure 1. These purposes include mass transit and highway improvements, replacement of certain existing school buses, local street and road repairs, public facilities for transit riders, senior and disabled transportation services, environmental mitigation, and bicycle and pedestrian improvements. The measure also identifies 45 transportation and environmental projects around the state that would receive specified amounts of money each year. These projects would receive a total of about \$210 million in 2003–04, decreasing over time.

The measure requires money in the new fund to be transferred back to the General Fund in any year in which total General Fund revenues are less than those in the previous year. Additionally, the measure requires the transfer of a smaller amount from the General Fund to the new fund if the growth in General Fund revenues over the previous year is smaller than the amount to be transferred.

Agencies that are allocated money from the new fund can spend up to 2 percent of the money for administrative costs.

FIGURE 1

TRAFFIC CONGESTION RELIEF AND SAFE SCHOOL BUS TRUST FUND

Distribution of Funds	Percent of Funding
Passenger Rail and Bus Transit	48%
• Construction and improvement of transit facilities and purchase of transit vehicles.	33
• Passenger rail operations, construction, and improvement, and modernization of passenger rail infrastructure.	8
• Grants to improve public facilities for new development near rail or bus transit stations.	3
• Grants to provide transportation to seniors and disabled persons.	2
• Transit assistance to counties with populations less than 250,000 to improve mobility of people who cannot drive.	2
Traffic Congestion and Safety	25%
• Traffic Congestion Relief Program projects and other highway and street projects to improve traffic flow.	16
• Grants for highway safety projects.	5
• Projects to separate rail lines from streets and highways.	4
Environmental	15%
• Wildlife habitat and land acquisition to mitigate environmental effects of transportation improvements.	10
• Grants for diesel emission reduction.	3
• Water pollution reduction projects to mitigate water quality impact of transportation improvements.	2
School Bus	8%
• Grants to replace older school buses and increase fleet size.	8
Bicycle and Pedestrian	4%
• Regional projects to improve convenience and safety of bicycle travel and bicycle education programs.	2
• Regional sidewalk and walkway projects.	1
• Grants to enforce traffic safety laws along pedestrian and bicycle routes, and to educate the public on safe travel to school.	1
Total	100%

The measure also requires an audit of expenditures from the fund, to be conducted by a new, independent commission.

FISCAL EFFECTS

This measure dedicates specified General Fund revenues to state and local transportation-related purposes of about \$420 million in 2002–03, \$910 million in 2003–04, and increasing amounts annually thereafter, depending on the increase in the sale and leasing of motor vehicles. This would result in a corresponding reduction in funds available for General Fund supported programs.

This measure would also result in additional unknown administrative costs to various state and local agencies. These costs would likely be covered by the amounts that the measure allows each entity to spend for administrative purposes.

ARGUMENT IN FAVOR OF PROPOSITION 51

Yes on 51 for Safe Roads, Safe School Buses and Congestion Relief!

YES ON 51 dedicates EXISTING automobile sales taxes to fixing serious highway safety problems and severe traffic congestion. For too long, critical transportation and school bus safety matters have been pushed aside by special interests in the State Capitol.

YES ON 51 requires the use of EXISTING state funds to:

- Relieve traffic congestion and make safety improvements to California's most accident-prone roads.
- Improve school bus safety, and provide safe routes for children walking or biking to school.
- Make road improvements that assist police, fire and ambulance emergency teams and protect highway workers.
- Reduce oil and gas pollution from roads and streams.
- Strengthen bridges to prevent earthquake damage.
- Improve public transit to reduce traffic on roads and to improve mobility for seniors and the disabled.

YES ON 51 IS SUPPORTED BY:

- School Transportation Coalition.
- Partners for Highway Safety.
- The Transit Coalition.
- California Safe Kids Network.
- California Organization of Police and Sheriffs (COPS).

YES ON 51 INCLUDES STRICT TAXPAYER SAFEGUARDS that:

- Forbid using any state education funds for this measure.
- Limit administrative expenses to 2%.
- Mandate Annual Audits and an Oversight Committee.
- Do NOT raise taxes one cent!

These Strict Taxpayer Safeguards ensure Prop. 51 funds will be spent ONLY as promised and without waste.

YES ON 51 MEANS SAFER ROADS. "YES ON 51 specifically funds improvements to California's most dangerous roads, bridges and intersections."—*Partners for Highway Safety*

YES ON 51 MAKES SCHOOL BUSES SAFER. "YES ON 51 will replace thousands of school buses which do not meet federal

safety and pollution standards, so kids can ride to school in safety."—*California Association of School Transportation Officials*

YES ON 51 RELIEVES CONGESTION. "Prop. 51 will relieve California's worst traffic congestion areas, improving traffic flow and making highways safer. Traffic is getting worse every day. We must do something now to reduce congestion."—*Planning and Conservation League*

YES ON 51 CLEANS OUR WATER. "Road oil and grease pollute our water. Prop. 51 reduces water pollution, protecting people and wildlife."—*National Wildlife Federation*

YES ON 51 GETS KIDS TO SCHOOL SAFELY. "Prop. 51 will improve walk path and bike path safety on routes to school, and provides clean air school buses to protect children's health."—*California School Nurses Organization*

YES ON 51 IMPROVES AIR QUALITY. "Prop. 51 reduces air pollution by improving public transit. Cleaner air means healthier lungs for everyone and fewer childhood asthma attacks and other diseases."—*American Lung Association of California*

YES ON 51 HELPS SENIORS AND THE DISABLED. "Prop. 51 expands safe and affordable transit services for seniors and the disabled, allowing those who cannot drive to continue to live independently."—*Resources for Independent Living*

YES ON 51 IMPROVES EMERGENCY RESPONSE. "Prop. 51 will make specific road improvements that assist police, firefighters, paramedics and emergency response personnel in reacting quickly in a crisis to save lives."—*California Organization for Police and Sheriffs*

Learn more: www.voteyesonprop51.org

YES ON PROPOSITION 51!

LIEUTENANT ED GRAY, *President*

California Organization of Police and Sheriffs (COPS)

KIRK HUNTER, *Co-Chair*

School Transportation Coalition

PAUL BURRIS, *President*

Partners for Highway Safety

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 51

Does anyone still believe there is a free lunch?

The proponents of Proposition 51 apparently think so.

Their list of pork barrel, special interest projects totaling billions of dollars apparently will come from "existing funds."

Well, Proposition 51 will add about \$1 billion yearly to a significant state deficit predicted by the Legislative Analyst for years to come.

So, "use of existing funds" means one of two things: either critical spending, like public safety or higher education, is cut.

Or, taxes will have to be raised.

There is no free lunch.

Ask yourself these questions before you vote on Proposition 51:

With ongoing budget deficits, should your tax dollars be spent to build paths for golf carts at Leisure World? That spending is LOCKED into Prop. 51.

With ongoing budget deficits, should the state fund freeway interchanges for developers who paid to put Prop. 51 on the ballot? A freeway interchange for a campaign contributor

proposing a large development in LA County is LOCKED into Prop. 51.

Do you think taxes should be raised or programs cut to build and maintain museums and a music concourse? Or should private funds pay for these luxury projects? Prop. 51 REQUIRES taxpayer spending on these projects.

Do you think priorities for your tax dollars should be determined by special interests which receive your tax dollars? Prop. 51 has numerous projects which benefit specific contributors.

Say no to this "pay to play" scheme. Don't add \$1 billion yearly to the deficit. Vote NO on 51!

JON COUPAL, *President*

Howard Jarvis Taxpayers Association

LENNY GOLDBERG, *Executive Director*

California Tax Reform Association

LEWIS K. UHLER, *President*

National Tax Limitation Committee

ARGUMENT AGAINST PROPOSITION 51

Why do taxpayer and government reform groups in California oppose Proposition 51?

Because it violates the principles of sound tax and spending policy, and key principles of good government.

In the midst of a multi-billion dollar state budget problem, Proposition 51 ties up the state budget forever with 17 new categories of required spending.

This initiative does not provide any new funds, but earmarks nearly \$1 billion of your tax dollars each year for a long list of programs and projects.

Without consideration of other budgetary priorities, Proposition 51 locks in spending even on nonessential projects which in tough times may have to take a back seat to other needs.

Accountability? The public and its elected representatives will have no voice if priorities need to be changed in future years. Health and social services, local government, higher education, or public safety might have to be cut or taxes raised to deal with budgetary pressures such as inflation, growth, or changes in federal funding. But Proposition 51 programs would be exempt from scrutiny.

The proponents claim that the measure won't take effect during bad budget times. But according to the California Budget Project, if Proposition 51 were the law now, it would be in effect for 2002–03, when the budget was nearly \$24 billion in debt. It would have made this year's budget crisis much worse. So much for budget protections.

There are 45 specific projects written into this initiative with little accountability, many of which benefit contributors to Proposition 51.

Example: A powerful Texas developer gets \$30 million in grade crossings constructed to serve their development. The

developer contributed \$120,000 to get Proposition 51 on the ballot. This project was not a priority for a local transportation program. (Source: *Riverside Press Enterprise*).

In all, these special projects add up to a whopping \$1.2 billion while a dozen others receive millions in funding every year, forever.

Still worse, the state is obligated to spend this money even if it means raising taxes or cutting vital services, such as children's health care and fire protection, during tough budget times.

For example, this initiative requires spending for projects, such as \$40 million for improvements to a music concourse area and funding for a vintage rail line, that would likely go unfunded by the Legislature during a budget crisis.

Those of us who oppose Proposition 51 have very diverse views about state spending and taxes. But all of us agree that Proposition 51 is bad tax and budget policy.

We all agree that as times change, or in a budget crisis, spending priorities have to be changed. But instead, Proposition 51 ties up your tax dollars so that the ability to make the right choices is impossible.

Don't allow \$1 billion of your tax dollars to be isolated from the democratic budget process every year.

We urge you to reject Proposition 51.

BARBARA INATSUGU, *President*

League of Women Voters of California

LENNY GOLDBERG, *Executive Director*

California Tax Reform Association

LEWIS K. UHLER, *President*

National Tax Limitation Committee

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 51

YES ON 51 lets you—the voter—take immediate action to address critical safety problems with California's roads, school buses, and walk paths to school.

The Legislature has refused to dedicate these funds to highway safety and congestion relief. The problems keep getting worse. We can't afford to wait.

PROPOSITION 51 DOES NOT RAISE TAXES. It dedicates EXISTING automobile sales taxes to immediate road and highway safety improvements, safety for children going to school, safe transportation for seniors and the disabled, and traffic congestion relief.

SAFER ROADS SAVE LIVES. "PROPOSITION 51 saves lives by fixing California's most dangerous roads and intersections. It will improve emergency response time when firefighters and paramedics rush to accidents."—*Sacramento Fire Chief Dennis Smith*

SAFETY FOR KIDS. "YES ON 51 protects children's health by replacing polluting and unsafe school buses and making safety improvements to bike paths and walkways."—*California Nurses Association*

SAFER ENVIRONMENT. YES ON 51 relieves congestion by repairing dangerous roads and improving public transportation, reducing auto emissions and cleaning the air.

PROTECT EDUCATION. YES ON 51 is supported by school districts and Superintendent of Public Instruction Delaine Eastin because it PROTECTS the state education budget while improving the safety of school children.

TAXPAYER SAFEGUARDS. YES ON 51 requires Annual Audits and an independent oversight committee, ensuring your taxes go for traffic safety and congestion relief. Prop. 51 will be suspended during a major budget crisis.

We must address traffic safety and congestion now with existing funds, or it will cost more later.

DANA ROSE, *State Coordinator*

California Safe Kids Network

DR. JOHN BALMES, M.D.

American Lung Association of California

ARTURO VENEGAS, JR., *Chief of Police*
City of Sacramento



**ELECTION DAY VOTER REGISTRATION.
VOTER FRAUD PENALTIES. INITIATIVE STATUTE.**

OFFICIAL TITLE AND SUMMARY

Prepared by the Attorney General

**ELECTION DAY VOTER REGISTRATION.
VOTER FRAUD PENALTIES. INITIATIVE STATUTE.**

- Allows persons who are legally eligible to vote and have valid identification to register to vote on election day at their polling place.
- Increases criminal penalty for voter and voter registration fraud.
- Criminalizes conspiracy to commit voter fraud.
- Requires trained staff at polling places to manage election day registration, creates fund to implement measure, including training and providing personnel for election day registration.
- Allows persons to register or reregister during 28 days preceding election day at local election offices.
- Provides more time to county election officials to prepare voter registration lists.

**SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT
FISCAL IMPACT:**

- Annual state costs of about \$6 million to fund counties for election day voter registration activities, thereby resulting in no anticipated net county cost.
- Minor state administrative costs and unknown, but probably minor, state costs to enforce a new election fraud offense.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Under current law, Californians who want to vote in an upcoming election must register with county elections officials by the 15th day before the election.

PROPOSAL

Election Day Registration. This measure allows eligible citizens, upon presenting proof of current residence, to register up to and including election day. Under the measure, citizens registering on or after the 28th day before an election must do so at the county elections office, or at a polling place on election day. Local elections officials must provide a separate area and at least one trained staff member at each polling place for election day voter registration. Additionally, the Secretary of State must include information about election day voter registration as part of all voter education efforts.

Election Day Registration Fund. This measure establishes the “Election Day Registration Fund” within the State Treasury. Each year, approximately \$6 million would be deposited into this fund from the state’s General Fund and distributed to counties for their costs

of election day voter registration including hiring and training additional personnel, providing voter registration materials, and expanding voter outreach programs. Counties receiving money from the fund would be required to submit an annual report identifying their expenditures.

Increased Penalties for Voter Fraud. This measure increases the penalties for fraudulent registration or voting activity. It also creates a new crime of conspiracy of two or more people who commit specified election fraud, punishable by imprisonment in state prison.

FISCAL EFFECTS

This measure annually appropriates \$6 million (adjusted for cost-of-living increases) from the state’s General Fund for the county costs of election day voter registration activities. As a result, no net costs to counties are anticipated.

The Secretary of State would incur minor costs to carry out the requirements of this measure. The state also would incur, unknown, but probably minor, criminal justice costs for individuals who commit a newly established election fraud offense.

ARGUMENT IN FAVOR OF PROPOSITION 52

PROP 52 PROTECTS YOUR RIGHT TO VOTE AND PROTECTS AGAINST VOTER FRAUD.

Every California citizen who is legally eligible should be able to vote on election day. Anyone who tries to vote illegally should be stopped and prosecuted.

Presently, California law makes it nearly impossible for some citizens to vote—and too easy for others to commit voter fraud.

Prop 52 ensures that every eligible citizen has the opportunity to vote, and increases penalties for voter fraud.

Prop 52 will:

- Give all legally eligible citizens the right to vote on election day.
- Allow legally eligible citizens to register and vote on election day only with a valid California driver's license or two required forms of identification proving they are California residents voting at the right polling place.
- Double the penalties for voting illegally or for voter fraud.
- Provide training to election day poll workers on processing voter registrations and preventing voter fraud.

PROP 52 PREVENTS VOTER FRAUD.

Under current state law, there's no requirement to show identification when registering to vote. Voter fraud laws are too weak and need to be strengthened.

Currently county elections officials aren't required to report voter fraud to law enforcement officials.

The existing system has loopholes that have even allowed pets to be registered as voters!

Vote Yes on 52.

Prop 52 protects against voter fraud by:

- Making conspiracy to commit voter fraud a felony, punishable by a long jail sentence.
- Requiring county elections officials to report fraudulent voting activities to the District Attorney.

- Requiring unregistered voters who want to vote on election day to prove they are eligible by showing a valid California driver's license or two required forms of identification proving they are California residents voting at the right polling place.
- Requiring all polling places to clearly display both the rights of voters and the new penalties for voter fraud.

"Prop 52 will give law enforcement the vital new tools we need to deter and prevent voter fraud."—Grover Trask, Riverside County District Attorney

PROP 52 PROTECTS YOUR RIGHT TO VOTE.

Today in the U.S., only 49% of eligible voters vote. For the world's greatest democracy, that's pitiful. We should do everything possible to get more eligible citizens to the polls.

The League of Women Voters of California, the California Professional Firefighters, and the California Nurses Association have all endorsed Prop 52 because they understand the importance of increasing voter turnout.

Currently, outdated quirks in state law prevent many eligible citizens from voting on election day. For example, those who turn 18 or move a few weeks before an election could be deprived of the right to vote.

States with laws like Prop 52 lead the nation in voter turnout. The anti-fraud provisions in Prop 52 provide vitally needed new protections against voter fraud.

"Our study shows that election day registration holds enormous promise. It is an easier way to vote. In California, Prop 52 should produce substantially higher voter turnout."—Mike Alvarez, Ph.D., Caltech

LEE BACA

Los Angeles County Sheriff

MARCH FONG EU

Former Secretary of State

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 52

Don't be fooled. Prop. 52 is full of loopholes that corrupt our election process and will lead to widespread voter fraud.

That's why Law Enforcement leaders like Contra Costa County District Attorney Gary Yancey, Ventura County District Attorney Mike Bradbury, Shasta County District Attorney McGregor Scott and Santa Barbara County Sheriff Jim Thomas all say NO on 52.

FACT: Prop. 52 makes it easier for CRIMINALS and NON-CITIZENS to vote. That's not fair to qualified voters who follow the rules.

FACT: Prop. 52 does not require a drivers license or other government identification to register and vote on Election Day. Under Prop. 52, a piece of junk mail is considered one of the valid forms of ID!

FACT: Hidden in the fine print is a change in the law that makes proving FRAUD almost impossible. The authors of Proposition 52 are trying to fool you with talk of tough penalties. Tough penalties mean nothing if it's impossible to prove the crime was committed.

FACT: 44 other states wisely DO NOT ALLOW Election Day registration.

"Prop. 52 would bilk taxpayers \$6 million yearly for a program that allows dishonest politicians to steal elections."—Richard Gann, President, Gann Taxpayer Organization

Remember Florida? Don't let it happen here. Other states are moving to tighten their laws against election fraud. Prop. 52 sends California in the opposite direction.

The backers of Prop. 52 are trying to fool you. Don't let them get away with it.

VOTE NO on 52—PROTECT YOUR VOTE.

VOTE NO on 52—STOP ELECTION FRAUD.

HONORABLE ED JAGELS

District Attorney of Kern County

ROY BURNS, President

Association for Los Angeles Deputy Sheriffs

JILL SCHALL, President

Women Prosecutors of California

ARGUMENT AGAINST PROPOSITION 52

Proposition 52 makes it easier for CRIMINALS, DISHONEST POLITICIANS and NON-CITIZENS to commit ELECTION FRAUD.

That's why District Attorneys, Sheriffs, Cops, and Elections Officials across California urge you to VOTE NO on 52.

Prop. 52 appears well intentioned, until you read the fine print. This poorly drafted measure is full of LOOPHOLES and HIDDEN AGENDAS that will lead to MASSIVE ELECTION FRAUD in California. *It's a classic example of a cure that is worse than the disease.*

PROP. 52 DOES NOT REQUIRE PHOTO IDENTIFICATION. California already has one of the most liberal elections laws in the nation. Registration forms are widely available and county elections officials have only 15 days to check for fraud and prepare voter rolls. But under Prop. 52, a person could register and cast a ballot on Election Day with "identification" that is nothing more than *any* piece of mail addressed to them and a student lease agreement, credit card bill, or other unofficial identification. *No photo ID would be required.*

If Proposition 52 passes, elections officials will have no way of knowing if the person suddenly registering on Election Day is entitled to vote, or, for that matter, even a citizen of the United States. And they will have no time to check the validity of the registration before the ballot is cast.

PROP. 52 MAKES IT VIRTUALLY IMPOSSIBLE TO DETECT FRAUD AND OVERTURN ELECTIONS WON WITH PHONY VOTES. Under Prop. 52, ballots cast by those registering on Election Day will be mixed together with all other ballots. There will be no way for law enforcement and elections officials to go back after Election Day and determine if an election was won by fraud. *The penalties against election fraud contained in Prop. 52 are useless, because the measure makes it impossible to ever prove the crime!*

District Attorneys, Sheriffs, Cops and Elections Officials OPPOSE Prop. 52. So do Republicans, Democrats, Labor and Taxpayer Groups.

Working Californians OPPOSE Prop. 52. Our right to have our vote counted in fair elections will no longer exist in California if this measure passes.

Forty-four other states wisely do not allow Election Day registration.

The six small states with laws similar to Prop. 52 are not like California. Our state is too big, and the potential for abuse too high, to enact a law that makes it easier to commit fraud.

In a typical election, almost half of legally registered voters choose not to vote. Making it easier for FELONS, NON-CITIZENS AND OTHERS NOT QUALIFIED TO VOTE TO COMMIT FRAUD, will not solve the problem of low turn out.

In the wake of the controversy and chaos surrounding the 2000 Election in Florida, other states are looking to improve election laws and crack down on vote fraud. *California must not go in the other direction by opening the door to fraud and election abuse.*

- PRESERVE THE INTEGRITY of our election system
- PROTECT YOUR RIGHT TO VOTE in fair elections
- STOP ELECTION FRAUD
- Vote NO on PROP. 52!

HONORABLE JAN SCULLY

District Attorney of Sacramento County

HONORABLE MIKE CARONA

Sheriff of Orange County

SHARON RUNNER, Co-Chair

Citizens & Law Enforcement Against Election Fraud

REBUTTAL TO ARGUMENT AGAINST PROPOSITION 52

After the 2000 Presidential election people understood—"One vote can make a difference." Politics aside, one thing is clear—we need to protect our right to vote and ensure everyone who is eligible to vote—CAN VOTE!

That's what Election Day Voter Registration does.

States with election day registration lead the nation in turnout.

A Cal-Tech/MIT election study found, "California will experience an even larger increase in turnout...as much as one million new voters."

A bipartisan group of elections experts wrote this law with protections making the process fair and convenient; with stiff penalties for politicians who try to steal elections.

Prop 52 requires training for poll workers, requires allegations of fraud be reported to prosecutors and doubles the fines for fraud.

Misleading claims that Prop 52 will cause rampant fraud and allow unscrupulous individuals to cast several ballots just don't ring true.

Opponents neglect to remind you that currently, you don't have to show ID when registering to vote or voting.

Prop 52 adds new, strict identification requirements for election day registration: a photo ID, or two forms of legally valid ID showing that the voter is voting in the correct precinct.

Politicians and bureaucrats claim that any reform will crash the system—the same arguments made about Motor Voter, Absentee Voting, and Campaign Finance Reform. But they all work.

We can complain about California's low voter turnout or we can pass Prop 52—reform that will make a difference.

Vote YES on Prop 52.

BARBARA INATSUGU, *President*

League of Women Voters of California

ROCKY DELGADILLO

Los Angeles City Attorney

This section provides an overview of the state's current bond debt. It also discusses the impact that the bond measures on this ballot would, if approved, have on this debt level and the costs associated with paying them off.

BACKGROUND

What Is Bond Financing? Bond financing is a type of long-term borrowing that the state uses to raise money to finance major capital outlay projects. The state gets money for these projects by selling bonds to investors. In exchange, the state agrees to repay this money, with interest.

Why Are Bonds Used? The money raised from selling 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 provide services for many years and their large dollar costs can be difficult to pay for all at once. The use of bonds can allow such facilities to be put in place earlier than otherwise and/or enable the state to use available tax dollars for other purposes.

Types of Bonds. The bonds the state issues are generally tax exempt and fall into two main categories—general obligation bonds and revenue bonds.

- **General obligation bonds** require approval by a majority of California's voters and account for most of the bonds the state sells. The state's debt service payments on nearly 90 percent of these bonds come directly from the state's General Fund, which supports a wide variety of programs and is funded primarily from the state's personal and corporate income taxes and the sales tax. The remainder of the general obligation bonds (such as veterans' housing bonds) are self-supporting and, therefore, do not require General Fund support.
- **Revenue bonds** generally do not require voter approval and most are supported by revenues generated from the projects they finance, such as bridges. These also include lease revenue bonds, which are financed through General Fund lease payments made by state departments and agencies occupying the facilities. The state pays higher interest rates on these lease revenue bonds than it does on general obligation bonds, mainly because—unlike general obligation bonds—interest and principal payments on them are not guaranteed by the California Constitution. The state has used these lease revenue bonds to build higher education facilities, prisons, veterans' homes, and state offices.

What Are the Direct Costs of Bond Financing? The state's cost for using bonds depends primarily on their interest rates and the time period over which they are repaid. Most general obligation bonds currently being issued are paid off over a 30-year period. Assuming current tax-exempt interest rates for such bonds (about 5.25 percent), the cost of paying them off over 30 years is about \$2 for each dollar borrowed—\$1 for the dollar borrowed and \$1 for interest.

This cost, however, is spread over the entire 30-year period, so the cost after adjusting for inflation is less—about \$1.25 for each \$1 borrowed.

THE STATE'S CURRENT DEBT SITUATION

Amount of State Debt. As of July 2002, the state had about \$28 billion of General Fund bond debt outstanding—about \$22 billion of general obligation bonds and \$6 billion of lease revenue bonds. Also, the state has not yet sold about \$11 billion of authorized bonds, either because the projects involved have not yet been started or those in progress have not yet reached their major construction phase.

Debt Payments. We estimate that payments on the state's General Fund bond debt totaled about \$2.9 billion in 2001–02. Debt service payments are expected to fall temporarily in 2002–03 and 2003–04 because of the deferral of certain bond payments during these two years to help deal with the General Fund's budget shortfall. Debt payments should increase to about \$3.6 billion in 2004–05, as previously authorized but currently unsold bonds are marketed. Thereafter, outstanding bond debt would slowly decline absent additional authorizations. If all of the \$18.6 billion in bonds on the November ballot are approved and eventually sold, annual debt service payments would rise to about \$4.7 billion by 2007–08, before declining in subsequent years.

Debt Service Ratio. The level of debt payments for principal and interest stated as a percentage of state General Fund revenues is referred to as the state's debt service ratio. This ratio increased in the early 1990s and peaked at slightly over 5 percent in the middle of the decade. It has since declined and stood at 4.3 percent in 2001–02. Based on current bond authorizations, the ratio will remain near current levels through 2004–05 and slowly decline thereafter. If all of the \$18.6 billion in bonds on this ballot are approved and eventually sold, the ratio would increase to about 4.9 percent in 2004–05 and decline thereafter.

BOND PROPOSITIONS ON THIS BALLOT

There are three bond propositions on this ballot:

- **Proposition 46.** This measure would authorize the state to sell \$2.1 billion of general obligation bonds to fund various housing programs, including those that assist rental housing projects, homeownership, and farmworker housing.
- **Proposition 47.** This measure would authorize the state to issue \$13.05 billion of general obligation bonds for construction and renovation of K–12 school facilities and higher education facilities.
- **Proposition 50.** This measure would authorize the state to sell \$3.44 billion of general obligation bonds for various water-related programs. These include coastal protection, the CALFED Bay-Delta program, regional water management, and various safe drinking water programs.

CANDIDATE STATEMENTS BY OFFICE

GOVERNOR



- As the state’s chief executive officer, oversees most state departments and agencies and appoints judges.
- Proposes new laws and approves or vetoes legislation.
- Prepares and submits the annual state budget.
- Mobilizes and directs state resources during emergencies.



BILL SIMON
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I’m running for Governor because California needs new leadership for a brighter future. We need to restore accountability and bring a new vision to the Governor’s office. California remains in the grips of an unprecedented power crisis. Our electricity bills are near the highest in the nation, and we’ve already suffered more power alerts this year. We face the largest budget deficit in history. Our schools rank near last in reading and math, and dead last in science. Children don’t feel safe in their schools. One million Californians who want to work can’t find a job. Our roads are rated the worst in the nation, access to health care is near last, and we face a water shortage that will make the energy crisis

look minor. I have the background to take on these challenges: I was a federal prosecutor with Rudy Giuliani, taking on mafia bosses, drug dealers, and corporate criminals. We prosecuted tough environmental laws and punished those who harmed our air and water. I help dozens of small businesses create and protect thousands of jobs. I’ve always conducted my business with the highest ethical standards. I devote my time to helping those in need by providing thousands of scholarships to underprivileged youth, assisting battered women, cleaning up schools and providing job training to the unemployed. I want to make sure the California Dream is available to all people regardless of background. My record proves I can do the job. I’d be honored to earn your vote.



REINHOLD GULKE
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Every Californian knows there is something wrong in California. Our families are being pressed from all sides, higher electricity costs, water bills, gasoline, rising insurance costs, and higher taxation. It takes both Dad and Mom working just to buy the essentials. The issues that are important to Californians are God, Family and Country. I believe in a California where families come first. As Governor I will restore the value of families in our state by doubling the places where they can go hiking, camping, swimming, fishing and picnicking, and by returning more money to the family by tax reduction. California could have been well on its way to eliminating all vehicle license fees, and other taxes if we had

held the budget to a modest increase in years past. Our recent budget crisis will be small in comparison to our water concerns. We must increase water storage capacities by building new dams and pipelines in our state. These dams will also produce low-cost hydro electricity. California can return to affordable energy for business and household use, with better management and a new energy proposal. I am pro-life! When a society protects the unborn and the elderly from harm, that society will benefit greatly from the respect citizens show each other. Adoption is a loving alternative to the abortion destructiveness. Instead of voting for the lesser of two evils, why don’t you join me and just “Poke ‘em in the Eye” by voting for Reinhold Gulke for Governor. Thank You.

The order of the candidates was determined by random alphabet drawing. Statements on this page were supplied by the candidates and have not been checked for accuracy by any official agency. Submission of statements was voluntary. Candidates who did not submit statements could otherwise be qualified to appear on the ballot.

GOVERNOR



GRAY DAVIS

Democratic Party

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As Governor, I've worked hard to make a difference in people's lives. In education, we've reduced class sizes, demanded more accountability and made historic investments in teacher recruitment and training. There's more to do, but we've increased funding by 30% and student achievement scores are up three years in a row. I've expanded tenfold the Healthy Families Program for uninsured children, provided one million kids with health insurance and established the first agency in America to help patients fight their HMO—and win. I've signed the nation's toughest gun laws, banning assault weapons and requiring trigger locks. To preserve our environment, I've signed tough new laws cleaning up our beaches, signed

the nation's first law reducing greenhouse gas emissions and sued the federal government to block more offshore drilling. As a strongly pro-choice Governor, I've signed seven new laws further protecting a woman's right to choose. As a Vietnam veteran, I'm pleased we've improved our veterans' homes and are building five more. To keep you safe, I've blocked the early release of murderers and deployed the National Guard after the attacks of Sept. 11. I'm privileged to be endorsed by nearly every major public safety organization representing cops on the beat, County Sheriffs, Police Chiefs and firefighters, as well as many District Attorneys. I'm proud California's economy has grown from the 7th to the 5th largest in the world over the last four years. I would be honored to continue working with you to keep the Golden State moving forward.



GARY DAVID COPELAND

Libertarian Party

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<http://www.lpwolfpack.net/copeland/>

Seeking a better alternative? Do we ignore Milton Friedman, Herbert Spencer, Gene Roddenberry—some of my favorite philosophers—at our peril? I've seen big party politicians burden California with costly boondoggles and corrupt social engineering: a "drug war" that erodes the bill of rights and promotes crime; a public school monopoly with declining quality and increasing costs; electricity "reforms" that raise prices, reduce profits, and endanger supply; "managed" health care more like the DMV every day. My goal is to make it easier to follow our dreams: Lessen tax loads. Honor parents' rights and responsibilities. Care for poor

families with vouchers—not long lines for government rationed state services. Respect property rights and personal freedoms. I am a husband, father, man of faith, and CEO of a bio-information firm. I want my children to enjoy the free and diverse society envisioned by Jefferson, Paine, and Adams. For a more prosperous—and more compassionate—California, I urge you to vote Libertarian.



PETER MIGUEL CAMEJO

Green Party

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California is the world's fifth largest economy, producing at record levels, yet our state budget is billions in the red. Inflation adjusted, our minimum wage is lower than in 1968. Only 4% of our ancient forests remain. Corruption is growing. Our energy policy is a disaster. Our educational system is in sharp decline. Corporate money dominates our political system. Defending our environment and social justice will provide the best economic results, as the figures prove in my new book on socially responsible investing, *The SRI Advantage*. Democrats and Republicans are running only men. The Green slate includes three women, four men, and three different racial groups, reflecting today's

California. We offer real solutions: Dramatic expansion of renewable energy. No offshore drilling. Universal health care. Promote affordable housing. Pass a living wage. Provide gays and lesbians full rights including marriage. Defend family planning and pro-choice. Lower classroom size, empower teachers, end the counterproductive testing mania. End spoiling of elections through Instant Runoff Voting, public financing, and clean election laws. Abolish the death penalty and Three Strikes. Decriminalize marijuana. Create a minimum car insurance program and provide hard-working immigrants with amnesty and driver's licenses. Stop all racial profiling, including Muslims and Arabs. Support the World Court. Peace, democracy, and social justice will help end terrorism. The major parties are soft on corporate crime. The Greens want a society based on the rule of law, environmental protection, and social justice. They represent the past, Greens the future. *Vote Green.*

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**IRIS ADAM***Natural Law Party*P.O. Box 5065
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www.natural-law.org

As Governor, I will support alternative energy sources to achieve energy independence; excellence in *all* our schools; prevention-based health care; sustainable agriculture; labeling and safety testing of genetically engineered food. It's time to end "politics as usual." My experience as a business analyst has taught me that good government means prevention, not crisis management. Because I accept no special interest money, I represent the voters, freeing me to implement innovative forward-looking programs to solve critical problems, ensure a strong economy, and improve the quality of life for everyone. The power and strength of the State of California comes from an informed electorate. California should

lead the nation in education, energy alternatives and health care. Differing views must be debated by *all* parties, not just two. I believe in strengthening democracy and the power of voting by exercising my freedom of speech. That is why I am running as a third party candidate. The Natural Law Party ideals are more relevant and timely than ever. The Natural Law Party defines issues, asks questions, and provides a vision that is not bought and paid for by special interests. In fact, some of the most important ideals that this country was founded on came from Third Parties—abolition of slavery, child labor laws, and a woman's right to vote. As Governor, I will work to build a strong and secure California which leads the nation in education, true health care, and energy innovation.



LIEUTENANT GOVERNOR



- Assumes the office and duties of Governor in the case of impeachment, death, resignation, removal from office, or absence from the state.
- Serves as President of and presides over the State Senate and has a tie-breaking vote.
- Chairs the Economic Development Commission, is a member of the State Lands Commission, and sits on the boards of the California university system.
- Serves as an ex-officio member of the California State World Trade Commission.



KALEE PRZYBYLAK
Natural Law Party
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 www.natural-law.com

It's been said that leaders of Native American cultures make their decisions based on how it will affect the next seven generations. This philosophy is the basis for my candidacy for Lt. Governor. I believe that through utilizing "natural laws" and creating a unity consciousness throughout our electorate, we are better able to begin to address the needs of a changing society. The time has come to bring common sense solutions to California that resemble true democratic ideals, restoring human dignity and personal sovereignty as endowed to us by our creator. As an activist and grassroots organizer for over fifteen years, I have fought for environmental protection, the reduction of nuclear weapons and

women's reproductive rights. I am dedicated to the growth of third party politics through fair and independent grassroots movements that bring together the best ideas collectively and give voice to real concerns of California citizens. As Lt. Governor of California I will strongly work towards creating programs that will streamline government waste and mismanagement of taxpayers' funds, reduce violence and societal stress through programs designed to teach peace through social harmony and tolerance, reform California schools' curriculum through innovative methods of teaching designed to stimulate creativity, critical thinking and intelligence, promote preventative health care alternatives, and investigate the possibility of sustainable methods of farming and renewable sources of natural energy. It would be a privilege to bring these revolutionary ideas to our beautiful state and I look forward to the opportunity to serve California's citizens.



JIM KING
American Independent Party
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I Believe in God almighty, our creator, our Lord and Savior. The founders of our land also believed in God and in Judeo-Christian values and customs. Our Declaration of Independence is based on our God-given right to life, liberty and the pursuit of happiness. The providence of the God of Abraham, Jacob and Isaac has blessed our land and will continue as long as we anchor ourselves in God's providence. It is government's task to project and govern through these moral truths. Therefore, I do not support a moralless secular-humanist agenda whose true objective is to overthrow Western Civilization as we know it. Secular humanists, abortionists nor socialists need not apply at my door of the office of

Lieutenant Governor. If God is with me in this effort; then who can be against me? I run for this office through deep-hearted felt convictions and beliefs. I desire to defend the intended form of government willed to us by our founding fathers. I will never waive these principles out of political or personal ambition. If you think like I do, don't lose the opportunity to vote for a candidate that will defend the Constitution and moral values. Please thoughtfully consider casting your vote for Lieutenant Governor for Jim King, (vote4king.com).

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PAT WRIGHT

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Where there is an injustice, an important measure of our character is whether or not we work to challenge that injustice. Libertarianism is the pursuit of justice. Peace is not the absence of war; it is the absence of coercion. I have spent many years working for justice and against coercion. I worked with the United Farm Workers to guarantee the right of agricultural workers to organize a labor union. I organized a campaign to convince the Malaysian government to stop the execution of a Californian who entered that country with marijuana. I helped overturn an illegal sales tax in San Diego County where government officials were found guilty of circumventing Prop 13—and then wanted to keep the

money! My most rewarding work has been building the Libertarian Party, because the Libertarian Party consistently helps individuals take more control over their lives. While other parties/politicians debate what areas of a person's life should be regulated/taxed/banned/prohibited/licensed, etc., Libertarians work to maximize your freedom and respect your responsibility. My most recent crusade is the legalization of the domestic ferret in California, one of two states to ban them. For being visible and outspoken, I've had one ferret confiscated at his vet and euthanized, and armed agents broke down my door to seize my other ferrets. While ferrets are not an important issue to most Californians, how government works should be. This has been an education for me—one that will serve me, and you, well in Sacramento.



DONNA J. WARREN

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In 1997, before my eyes, something happened to me which crushed me like a piece of paper: my beloved son was murdered, shot, in my own home—a casualty of crack, a victim of the drug war. From that moment on, I resolved to make myself tougher than steel, for the sake of justice and human rights, for all Californians. Who am I? A certified financial manager with over 20 years of auditing experience with the U.S. Government. California is the fifth largest economy in the world, and can afford to give its citizens affordable energy, affordable health care, good schools, and “living wage” jobs. I will not use our tax dollars to bail out Enron; I will not betray us all for corporate cash. If you want

to make a difference, vote Green. Who am I? A black woman from South Central LA, tired of the bogus war on crime. I support Three Strikes—for violent criminals. “Three Strikes” should be for rapists and murderers. You shouldn't get life for stealing a slice of pizza. Who am I? A crusader for human rights: As Lieutenant Governor of California, I will ensure that women have full access to reproductive services, regardless of ability to pay. And discriminatory laws against gays and lesbians will become a thing of the past, like witch trials and bell bottoms. Who am I? A native Californian who will ensure that California's billions build a healthy economy and a peaceful world—for all of us!



CRUZ M. BUSTAMANTE

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I don't think every problem, every solution or every person fits neatly into some box. I've served with Republicans and Democrats. Sometimes I've agreed with them, and sometimes I have not. Being independent and doing what I believe is right is why you have elected me. *When everyone thought that negotiating with the Texas energy companies was the way to solve the electricity shortage, I went outside the box. I was the first elected official to sue the energy companies for price-gouging the California ratepayers.* And I sponsored legislation to make their actions a crime. When the last Attorney General refused to sue the tobacco companies to recover tax money spent for health care, I wouldn't take his “no” for an answer. I

went outside the box and wrote the law that made him do it. I am proud of my independence. But I am equally proud of the things I've accomplished through collaboration. *Working with teachers, we provided textbooks for public schools and college grants for every qualified student.* Working with environmental groups, we are protecting our coast and waterways from pollution. *Working with women's health organizations and businesses, we have created the most successful voluntary breast cancer screening program in America.* Working with labor and local government, we made sure that existing gas taxes were spent on improving our highways and expanding mass transit. I've worked hard to earn your support. I would appreciate your consideration.

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LIEUTENANT GOVERNOR



PAUL JERRY HANNOSH

Reform Party

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As the *only pro-life, pro-second amendment, pro-school choice conservative* who is unafraid of being politically incorrect, I will reform our political system by returning power to the citizens. The two-party system no longer answers to the American people because it is controlled by corrupt special interests. I put principles and America first. Don't waste your vote by voting the lesser of two evils. Instead, vote for strong leadership for a change. See my positions: www.paulhannosh.com. As an educator/U.S. Army Veteran, I believe in supporting *God, Family and our Country*. I will defend and promote California's jobs and businesses over unfair foreign competitors. Also, we must *end the liberal public education*

monopoly by allowing parents a choice of any private/religious school through tax credits. Competition will bring about an educational renaissance and will help us remain one nation, under God. "*Righteousness exalts a nation...*" Proverbs 14:34. I will work to *stop illegal immigration!* Sadly, Republican leaders want cheap labor while Democratic leaders want cheap votes at the expense of American citizens and our sovereignty. Our borders must be protected by the National Guard to combat terrorism, apprehend illegal aliens and crush drug smuggling. Furthermore, I will facilitate assimilation by enforcing English as our official language as mandated by our State Constitution. We can break the two-party stranglehold and begin a new era of conservative reform! Join me, and together we will send a message to Sacramento that *Californians are not going to take it any more!*



BRUCE MCPHERSON

Republican Party

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Unlike the Vice President, California's Lt. Governor is independently elected. But rather than speaking out on issues, too many Lt. Governors have stayed silent, failing to play an active role in our system of "checks and balances" that helps keep government honest. Instead of helping to solve problems, they focus on pomp and ceremony. I'll change that. I will be an independent voice for the people of California and will work with Democrats and Republicans to help solve problems. As a former newspaper editor, I spoke out on the issues facing California. As a California State Senator, I actively participated in policy debates and helped shape laws that have increased school funding, improved public

safety, created jobs, reduced taxes and protected our environment. For example, I wrote California's "Son of Sam" law to prevent criminals from profiting from their crimes. I cast the deciding vote to ban offshore oil drilling. And I co-sponsored the largest tax cut in state history. This is the problem-solving experience I'll put to work as your Lt. Governor. If the Governor's energy, budget or other policies are hurting California, I'll speak out and offer positive alternatives. If the Legislature ignores problems, I'll speak up and propose solutions. I'll champion schools and public safety, economic growth and efficient government. I will take this job seriously and work hard to make a difference for the people of California. I won't let this office go to waste. For more information, please visit www.mcpherson4lg.com or call me at 916-326-5430.



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SECRETARY OF STATE



- As the state’s chief elections officer, administers and enforces election laws and keeps records of all campaign and lobbyist disclosure statements required under the Political Reform Act.
- Files official documents relating to corporations, trademarks, the Uniform Commercial Code, notaries public, and limited partnerships.
- Collects and preserves historically valuable papers and artifacts in the California State Archives.
- Serves as an ex-officio member of the California State World Trade Commission.



EDWARD C. NOONAN
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I have been involved with helping hundreds of fellow Californians who have been threatened and/or arrested by Supermarkets for registering people to vote. Malls consider it a crime to gather signatures for statewide initiatives on property *open to the public*. Police and judges become corrupted when they side with Shopping Malls (who falsely arrest and cause imprisonment of citizen voter registrars on bogus *trespass* charges). These violations have been overlooked in the past. The California election process has been chilled. If elected, I will correct these Elections Code violations, and return *Freedom of Speech* to the California Constitution.



LARRY SHOUP
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Like you and millions of Californians, I am outraged at the bribery and influence peddling in state politics. Lobbyists give about \$175 million yearly to influence California lawmakers. Corporations like Enron fuel our elections with huge campaign contributions. This corruption led to electrical deregulation, costing us billions. Moreover, *corruption degrades our democratic rights* as citizens. I am running for Secretary of State because California needs an elections officer not beholden to corporations and political machines, an *independent watchdog who will defend our democracy*. To make politicians accountable, I will *investigate and recommend prosecution* of anyone who has given or accepted a bribe in

exchange for political influence. I accept no corporate campaign contributions and will fight to replace the undemocratic system of private funding with *voluntary public financing of elections*, already successfully used in several states. I will institute *corporate charter reform* to prevent corporations from trampling on citizen rights, worker rights, and our environment. For fairness, maximum participation, and full democracy in our elections, I will fight for *Instant Runoff Voting and Proportional Representation*. I was educated in California’s public schools and earned a doctorate in American history from Northwestern University. I am a small business owner, former Peace Corps Volunteer, author, and member of the National Writers Union Local 3, Oakland Tenants Union and Sierra Club. Over fifty Greens already hold elective office in California. Join with us on November 5. Together we can take a decisive step toward *clean elections, social justice, and authentic democracy*.

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SECRETARY OF STATE



VALLI SHARPE-GEISLER

Reform Party

4718 Meridian Avenue #228
San Jose, CA 95118
408-997-9267

valli4reform@earthlink.net
www.siliconv.com

Can't tell the well-financed candidates apart? Perhaps they all serve the same corporations that fund their campaigns. Don't waste your vote on the one who only appears to be the lesser of two evils. If the major campaign contributors are getting their money's worth, where does that put you? We Californians have experienced the impact of big money in politics—hence: deregulation of a monopoly resulting in higher electric bills. Is water next? Electioneering 2000—*only Florida?* We want less money in the political process, that's why year after year we vote for campaign finance reform, but to no avail. Proposition 208 (which I helped pass in 1996) was on the verge of passing constitutional muster

when Proposition 34 was sneaked onto the 2000 ballot by opponents of real campaign finance reform. According to the League of Women Voters, "Proposition 34 is full of loopholes and is designed to fool the voters into thinking they are getting reform." It also canceled much of P208. Money rules? Who benefits from the prohibition of U.S. Congress candidate statements in this pamphlet—perhaps only well-financed candidates? If elected I will: Support ballot statements for *all* elected offices. Not repeat the abuse of power of this office to meddle with the democratic process. Make sure interested parties like the *League of Women Voters*, *Common Cause* and AARP are informed in time to respond to sneak attacks like Proposition 34. I have been an engineer, now I am a teacher/technology coordinator.



KEVIN SHELLEY

Democratic Party

243 Golden Gate Avenue
San Francisco, CA 94102
415-255-8587

www.shelley2002.com

United States Senator Dianne Feinstein supports me for Secretary of State because of my work modernizing voting systems, cutting paperwork to vote-by-mail, raising penalties for voter fraud and pushing stronger protections for voters' privacy rights. I am pleased that my record has earned me the support of so many California leaders. *As Assembly Majority Leader, I pushed for more campaign finance disclosure and more local voter outreach.* The Secretary of State administers an important program, "Safe at Home," to protect victims of domestic violence. Women who need to get away from their abuser can use the Secretary of State's office to keep the location of their home secret. This year, *I worked to expand the program*

to protect women who were being harassed for seeking family planning services, including abortion. Did you know that extremists proposed a law that would have denied any woman who had an abortion the right to vote? I am proud to be supported by Planned Parenthood of California and the California Nurses Association. *As Secretary of State, I will protect every citizen's right to vote as well as the privacy of their voter records.* I will fight for campaign finance reform and to ensure that all Californians have the opportunity to cast a vote that counts. I will make sure my Voting Modernization Act is implemented to upgrade voting technology so that "chads" are no longer a part of our electoral system. I respectfully request your vote for Secretary of State.



KEITH OLBERG

Republican Party

P.O. Box 2034
Sacramento, CA 95812
916-498-1499

www.Olberg2002.com

California's Secretary of State is the person responsible for making sure our elections are fair and free of fraud. With a Ph.D. in constitutional law and experience as a businessman, educator and California legislator, I will passionately defend your right to vote and protect the integrity of our election system. I wrote California's law requiring students to learn about America's Declaration of Independence and our U.S. Constitution—a love for democracy that will guide my work as your Secretary of State. I will be a steady and responsible guardian of California's election system and dedicate myself to 100% participation and 0% fraud. I will aggressively prosecute voter fraud and work to modernize California's

voting technology—so every vote is accurately counted. I will use the Internet and other technologies to make it easier for you to obtain information about candidates, ballot initiatives and campaign contributors—so you can make informed decisions when you vote. I will work to increase the number of citizens who vote in California by making it easier and more convenient for people to register—so every person who is eligible to vote can participate in our democracy. And to make sure your vote matters in presidential elections, I will petition network television news programs so they no longer project the "winner" before our polls close in California. I have prepared a plan called "Government for the People" that details what I'll do as your Secretary of State. For a copy, please call 916-498-1499 or visit www.olberg2002.com.

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**GAIL K. LIGHTFOOT***Libertarian Party*

P.O. Box 598
Pismo Beach, CA 93448
805-481-3434

www.ca.lp.org

I am a retired Registered Nurse with certificates in Public Health and ICU, CCU, MICU, ER, and IV Therapy. I have well over 40 years of direct patient care in hospitals, offices, clinics and Home Health Care plus medical service evaluation, research and recommendations using medical records and Utilization Review procedures. I know how to quickly assess situations, take instant remedial action and teach individuals and families to cope with illness under extreme stress. I have served as Secretary for a statewide organization. As your Secretary of State, I would increase eligible voter participation through easy to understand election pamphlets (and candidate guidelines). By including

a detailed explanation of political party positions and principles along with photos and statements from all candidates, I would empower voters to make voting decisions using the election pamphlet ignoring media coverage (favoring incumbents and major party candidates) and expensive advertising beyond the reach of the average person concerned about their country. I support the "None of the Above" option in all elections, same day (honor system) voter registration and permanent absentee voting status and a vastly strengthened local library system through the State Library. Local libraries need increased support to have fully informed voters. Individuals, political parties or clearly and openly acknowledged special interest membership groups (but *not* corporations or unions) should be free to give personal financial contributions to any candidate without limits, (provided such contributions and expenditures are noted and listed in the voter pamphlet).

**LOUISE MARIE ALLISON***Natural Law Party*

260 W. 12th Street
Claremont, CA 91711

lallison7@earthlink.net
www.natural-law.org

There is nothing more fundamental to freedom than fair elections. Citizens of the United States should not accept less than what our government demands of emerging democracies around the world, the highest standards of equality, fairness, and accuracy in the election process. In the last state primary election only 25% of eligible voters voted, demonstrating a lack of faith and interest in present-day politics. My priority is to create long-overdue election/campaign reforms to guarantee *every vote counts* and every candidate's voice is heard. This includes: implementing by January 2004 the most accurate, up-to-date voting equipment in *all* communities; mandatory election holidays;

elimination of special interest (PAC) campaign contributions; designated equal time over the public airwaves for all candidates on the ballot; and a shift toward public sponsorship of campaigns and proportional representation. I would also institute a youth education program to teach students about the importance of participating in the political process and inspire them to do so. I am proud to represent the Natural Law Party's profound principles and solution-based platform, which have their roots in the scientific understanding that all the rich diversity of culture, religion, race and gender are expressions of an underlying field of unity. As California Secretary of State I will be a true civil servant, not a career politician, and I will openly and justly serve all the people of California.



CONTROLLER



- As the state’s chief fiscal officer, acts as the state’s accountant and bookkeeper of all public funds.
- Administers the state payroll system and unclaimed property laws.
- Serves on numerous boards and commissions including the Board of Equalization and the Board of Control.
- Conducts audits and reviews of state operations.



STEVE WESTLY
 Democratic Party
 703 Woodside Road
 Redwood City, CA 94061
 650-365-4222
 steve@westly2002.com
 www.westly2002.com

I will be an independent fiscal watchdog fighting to strengthen California’s economy and make government more efficient. I am the only candidate for Controller with over twenty years experience in business, government, and education. I taught at Stanford’s Graduate School of Business and led economic development for the City of San Jose. I demonstrated my financial management skills helping build eBay, a true California new-economy success story. Our success was built on creativity, sound business practices, and honesty. *As your Controller, I will follow these same fundamental values.* I will vigorously protect California’s retirement funds from bad investments and unscrupulous businesses. I will make certain

that every corporation doing business in California honors its responsibility to investors and the public. *I want to move California into the 21st Century by creating jobs and streamlining government.* I will use the power of the audit to cut government waste and eliminate unnecessary bureaucracy so that we can spend more money reducing class size and improving infrastructure. As the only candidate with business experience, I will improve customer service so that taxpayers get fast and accurate refunds. I’m also the only candidate for Controller who will protect a woman’s right to choose, support public schools, oppose vouchers, oppose off-shore oil drilling, and fight for clean air and water. *Please join US Senator Dianne Feinstein, California’s nurses, teachers, firefighters and police as well as religious and business leaders—from both parties—in supporting my campaign.*



LAURA WELLS
 Green Party
 P.O. Box 3629
 Oakland, CA 94609
 510-444-7336
 clearwork@earthlink.net
 www.laurawells.org

Women and people of color have proved they deserve to be at the decision-making table. In the Green Party, respect for diversity is a key value. Unlike the business-as-usual parties, our statewide slate puts this value into practice. As Controller, I pledge to *Follow The Money*. I will report my findings to the people so we can regain control of our finances. Californians want great schools. Instead we’ve seen our wealthy state become a low spender on education while the very wealthy get richer through big contracts for prisons. *In 25 years, despite the values of the people, California built 21 new prisons and only 2 new universities.* When people voted for Proposition 13 in 1978, they wanted to reduce their

taxes, especially so fixed-income seniors would not be forced out of their homes. Since then a large share of the benefit has gone to commercial properties. This is not how the proposition was promoted, and not what voters intended. First-time homebuyers have been hurt, while giant corporations have profited. As Controller I will apply Green Party values of social justice and community-based economics and audit these betrayals so the public can correct the situation. With 25 years experience in administration and financial systems, I’m ready to be Controller. *We can unite and make our efforts count, while living happier lives.* To understand what’s going on, Follow The Money. To know what to do, ask critical questions and Follow Your Heart.

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**ERNEST F. VANCE**

American Independent Party
3501 Bradshaw Road #113
Sacramento, CA 95827
916-366-0434
e.f.vance@worldnet.att.net

I am 61 years old. My education consists of: a B.A. in Psychology, a M.A. in Education, and a Ph.D. in Pastoral Psychology. One of the main jobs of Controller is issuing warrants that are paid by the Treasurer and that these warrants are legal and constitutional. I will attempt to do this job as defined by law. I support the proposed *State Grand Jury Initiative*. I am treasurer of three organizations: the Sacramento County A.I.P., the SCNRA Members Council, and of my local church. I am in agreement with the A.I.P. Platform, and the 2nd Amendment.

**J. CARLOS AGUIRRE**

Natural Law Party
P.O. Box 5065
Irvine, CA 92616
iaakos@yahoo.com
www.natural-law.org

As California's Controller, I will use my expertise garnered over several decades as a business owner/entrepreneur to hold our state government accountable by auditing state agencies and cutting wasteful spending. In general, government is lax and inefficient compared to most private industry when it comes to fiscal accountability and responsibility to the stakeholders, in this case you, the taxpayers. I will use my extensive experience to uncover any improprieties such as financial fraud, while wielding the considerable power of the Controller to influence the state's spending policy towards areas such as education, infrastructure and public safety. I am a 3rd generation California native, Vietnam veteran and concerned father who understands the importance of honest government and is deeply committed to working for and representing every California citizen.

**TOM MCCLINTOCK**

Republican Party
1127 11th Street, Suite 216
Sacramento, CA 95814
916-448-9321
www.tommclintock.com

This election is a referendum on California's wasteful spending. The Controller is the watchdog of the state treasury—with legal authority to root out corruption, fraud and waste. As Controller, I will not only audit the state's wasteful bureaucracies, but I'll also target the special interests who try to use government to line their own pockets. This new breed of get-rich-quick corporate schemers give free enterprise a bad name by seeking lucrative government contracts in return for their campaign contributions. That's wrong, and it needs to stop now. I'm an experienced waste cutter, with a proven record of defending taxpayers, ratepayers and shareholders. As Controller, I'll take on wasteful government

bureaucrats, corrupt politicians and big-dollar contributors, through regular performance audits and true across-the-board competitive bidding. Am I up to the job? You bet. I led the drive to abolish California's car tax. I sued to stop the \$14 Billion rip-off of California ratepayers by the energy monopolies. I authored the Bureaucracy Reduction and Closure Commission Act. I've fought against waste and fraud in both Republican and Democratic administrations. And I'm endorsed by every major taxpayer organization. Our local schools suffer, our taxes rise, and we spend hours each day stuck in traffic, because our tax dollars are being plundered and wasted. As your State Controller, I will bring the full force of the law to the fight against waste, fraud and corruption. Because it's your money, not theirs. You can help by visiting www.TomMcClintock.com

TREASURER



- As the state’s banker, manages the state’s investments.
- Administers the sale of state bonds and notes and is the investment officer for most state funds.
- Chairs or serves on several commissions, most of which relate to the marketing of bonds.
- Pays out state funds when spent by the Controller and other state agencies.



JEANNE-MARIE ROSENMEIER
Green Party
 1537 Franklin Street, Suite 210
 San Francisco, CA 94109
 415-931-3161
 jeanne2002.com

If we don’t change direction, we’ll end up where we are going. And that’s scary. California is a great state. We have the fifth largest economy in the world. The people of California are energetic, diverse, innovative and...well...great! I think we deserve better government than what we have. A vote for me is a vote for a sea change, a vote for a party that doesn’t sit in the pocket of big contributors. The Green Party has a proven record of foresight, while other parties let California’s pockets be picked over and over. The Green Party *stood alone* to oppose electricity deregulation *from the beginning*, long before blackouts and billions of dollars lost on foolish long-term contracts. Long before California’s

taxpayers and retirees lost *millions* due to criminal corporations such as Enron and Worldcom, the Green Party advocated using our investment clout to make corporations behave. Only the Green Party respects California’s diverse people enough to include women and people of color in our slate. Only the Green Party has new ideas for addressing California’s core concerns: corporate charter reform, instant runoff voting, funding schools not prisons, single payer health care; all to *save money*. The Green Party is the only party to present a balanced state budget which makes our state *better*, not worse! For more on the budget plan and other issues, see www.jeanne2002.org or www.cagreens.org. Vote for the only party which is not beholden to big contributors. Vote clean. Vote Green.



NATHAN E. JOHNSON
American Independent Party
 6406 Friars Road #232
 San Diego, CA 92108
 619-297-7808
 njohnso2@san.rr.com

I will protect your tax dollars from government waste and target investing in California. Our credit rating must be protected in these tense times. I am 59 years old and have lived in the San Diego area since 1959. Living there has made me familiar with international border problems. I graduated from Southwestern Jr. College in 1971. My employer since 1972 is San Diego Transit. I am a member of Amalgamated Transit Union Local 1309 and serve on the Executive Board. I am pro-life. California taxpayer dollars should never be invested in a manner protecting or promoting abortion. We should protect lives of the unborn innocents, not execute them. I am pro-Second Amendment and believe

that right should not be infringed. Those who use firearms to commit crimes should be dealt with firmly including capital punishment. Transportation in California is an everyday concern for all of us. Experience has taught me the need of public scrutiny to see if taxpayers are getting the most service for their transportation tax dollars. The Treasurer should aggressively pursue such an investigation.

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**MARIAN SMITHSON***Libertarian Party*

1677 Aspen Village Way
West Covina, CA 91791
626-919-1593

mariansway@earthlink.net

As a CPA for 30 years and three-term elected City Treasurer in West Covina, I am well qualified to manage state investments and finances. I oppose the issuing of government bonds for any purpose, as this financing method almost doubles the cost of any government project and forces debt on our children and grandchildren. Voters should turn down Propositions 46, 47 and 50 on the November ballot, since these wasteful bonds will cost taxpayers \$30.7 billion over 25 years if passed. The state must either pay for projects when they come up, or preferably, encourage private investment and development. I would have fought the plan last year to squander our state's \$9 billion budget surplus on energy purchases.

The subsequent politician-negotiated energy contracts border on the criminal, and continue to keep our electric rates high. The courts should overturn them. Libertarians favor less government across the board and are dedicated to protecting your personal freedom and economic liberty. You've seen how Democrats and Republicans act in public office. Please support the Libertarian alternative instead.

**GREG CONLON***Republican Party*

2764 Spring Street, Suite 1A
Redwood City, CA 94063
650-474-2688

www.GregConlonForStateTreasurer.com

My goal is to make California financially strong. I will be a watchdog for taxpayers and will lead the effort to cut government waste. California's credit rating has been downgraded multiple times in the last three years, now ranking second or third to last in the U.S. We need fiscal responsibility to restore a better credit rating for the state. California is faced with a mounting state deficit and with no clear vision or strategic plan for future capital expenditures. Without careful planning, our infrastructure—roads, schools, and public works—will further deteriorate. I will apply my in-depth public and private sector experience to streamline management and develop a strategic plan to finance

California's growth without tax increases. Millions of taxpayer dollars are being wasted on higher interest payments instead of using the dollars towards improving California's quality of life. My qualifications and experience ideally match the requirements for Treasurer. I have over three decades of financial experience in business as a CPA and a senior partner in a CPA firm. I have excellent experience in controlling expenses and improving financial management. I gained hands-on experience serving on two of California's most critical agencies—the California Public Utilities Commission (PUC) for six years, two years as President, and the California Transportation Commission for three years. My education includes a business degree, University of Utah, and a law degree, University of San Francisco. I was a U.S. Air Force captain and pilot.

**SYLVIA VALENTINE***Natural Law Party*

P.O. Box 2612
Santa Cruz, CA 95063

sylvianlp@yahoo.com
www.natural-law.org

The Treasurer's responsibility is to invest the taxpayers' money (*your* money) safely and wisely. My experience as an administrator with non-profit organizations and for-profit businesses has given me insight and knowledge about investing in a positive, socially conscious manner, while still maximizing return. I will make intelligent, careful, forward-looking decisions today that will reap profits in the near future. The economy of California is larger than that of most foreign countries. With sound, practical, smart investing, devoid of political game playing and special interest influence, all the citizens of California should be able to count on a budget that can afford to accomplish those goals so vital to our state.

Particularly important are the following: well-financed schools at every level of education including the junior college system; a continually maintained and improving infrastructure of roads, bridges, and public transportation; and enhanced public safety through crime prevention and the assurance of competitive salaries for police, firefighters, and emergency personnel. My first choice will always be to invest our state money in Californians and our communities. I will keep the economy growing and strong, while making life-supporting investments that will provide jobs and secure our future and that of our children.



TREASURER



PHIL ANGELIDES

Democratic Party

455 Capitol Mall, Suite 325
Sacramento, CA 95814
916-448-1998

pangelides@angelides.com

As your State Treasurer, my first priority is protecting your tax dollars. I have worked hard to secure your trust by investing taxpayer funds smartly and prudently—earning solid returns while safeguarding the State’s treasury. I led the charge to adopt first-in-the-nation policies to safeguard California’s investment funds—establishing zero-tolerance standards for irresponsible corporations that engage in unethical and fraudulent practices like those of Enron and Arthur Andersen. By flexing California’s financial muscle, I have sent a clear signal that corporations must behave responsibly or suffer the consequence of being banned from doing business with the State of California. I have cracked down on

illegal bond deals and fraudulent investment schemes; saved taxpayers over \$1 billion by refinancing bonds, taking advantage of historically low interest rates; and eliminated pension fund investments in risky, unstable foreign countries, while putting more of our money in sound investments here in California. Finally, as a husband and a father of three daughters, I know that we must invest in California’s future to protect our quality of life. That’s why, using my 15 years of private sector financial management experience, I created a prudent investment plan—earning over \$7 billion in investment returns for taxpayers, while creating economic opportunity and jobs in California. I financed the construction and repair of over 1,000 California schools; created tax-free college savings accounts for California families; and provided loans and grants to over 300 community health clinics serving families and the elderly.



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ATTORNEY GENERAL



- As the state’s chief law officer, ensures that the laws of the state are uniformly and adequately enforced.
- Heads the Department of Justice, which is responsible for providing state legal services and support for local law enforcement.
- Acts as the chief counsel in state litigation.
- Oversees law enforcement agencies, including District Attorneys and Sheriffs.



ED KUWATCH
Libertarian Party
 1325 Hilltop Drive
 Willits, CA 95490
 707-459-3999
 ekuwatch@dui-california.com
 http://www.dui-california.com

My campaign is based on one simple idea, “Don’t let them micromanage your life.” As Attorney General I would take the War on Drugs out of the criminal justice system and put it in the health care system where it belongs. I would end laws restricting the right to bear arms; establish a statewide system of police officer discipline run by the Attorney General’s office, rather than local government; assure that the three-strikes law is applied only to violent felons; end the restriction on doctors practicing only “conventional medicine” and finally, I would encourage reform of D.M.V.’s hopeless bureaucracy. Finally, I would encourage businesses to put full walls and doors on public restroom stalls. Don’t

laugh, as I understand it Barbara Boxer made banning pay toilets a major theme of her campaign. I say “encourage” businesses to do that because we don’t need any more rules forcing businesses to do anything.



BILL LOCKYER
Democratic Party
 1230 H Street
 Sacramento, CA 95814
 916-444-1755
 lockyer2002.com

As Attorney General, I fight every day to protect Californians from criminal predators. We’re catching more rapists and child molesters because I kept my promise to build America’s largest criminal DNA databank. *I am honored that the California Association of Highway Patrolmen supports me for Attorney General.* I prosecuted California’s first-ever criminal case against abusive nursing homes. I’m honored to receive California AARP’s top award for the work we’re doing to prevent elder abuse. *The California Police Chiefs’ Association supports my reelection as Attorney General.* Our Spousal Abuser Prosecution Program attacks domestic violence. Our Safe Schools Task Force helps protect children

from violence. We’ve established the nation’s first statewide counter-terrorist law enforcement network. And our narcotics agents shut down over 3,000 meth labs in 3 years. *The California State Sheriffs’ Association endorsed me for another term as Attorney General.* My office has recovered millions for Californians from corporate crooks. I’m fighting for stronger privacy laws and helping victims of identity theft restore their good name. *The California Coalition of Law Enforcement Associations has endorsed my record as Attorney General.* I’ve protected Lake Tahoe and the Coast. I’ve strengthened Civil Rights Enforcement, and attacked hate crimes like no other Attorney General. *The Peace Officers Research Association of California—representing 52,000 law enforcement/public safety officers—are asking their friends and families to vote for me.* I’m proud that my work has earned me the support of California’s men and women in law enforcement. I hope I’ve earned your vote.

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ATTORNEY GENERAL



DICK ACKERMAN

Republican Party

921 11th Street, Suite 110-U
Sacramento, CA 95814
916-447-0242

www.AckermanForAG.com

California needs a new Attorney General who will support the death penalty, aggressively prosecute violent criminals and work to clean up the mess in state government. My first priority will always be to protect you and your family at home, school and work. With your vote, I will: *Defend California's laws, including the death penalty, from meddling, liberal federal judges. Weed-out corruption in state government, right up to and including, the Governor's office. Aggressively prosecute violent criminals and gangs. Strongly support President Bush in the war on terrorism. Work closely with Police and Sheriffs to protect local communities.* I have the wide-ranging experience needed to be an effective Attorney General. I've practiced law for thirty-

four years, operated a business, served as a City Mayor, been elected to the State Legislature and served as a Member of the Senate Judiciary Committee. As a State Lawmaker, I helped enact California's 10-20-Life law against gun-toting criminals. The author of the 3-Strikes-You're-Out law supports me for Attorney General. The state crime rate has risen almost six percent since 2000. Counties such as Fresno, San Joaquin, San Diego, and cities such as Los Angeles, Sacramento, Bakersfield, have all seen a dramatic rise in violent crime. The Attorney General's office can and must do a better job. Prosecutors, Police Officers and Crime Victims support me to turn things around and make California a safer place. I would appreciate your vote. For more information about my qualifications, please visit my website: www.AckermanForAG.com.



GLEN FREEMAN MOWRER

Green Party

glenmowrer@cox.net
vote.cagreens.org

As Attorney General I will de-emphasize punishment, promote prevention, re-invent rehabilitation, fight the crime lobby (big business, cops and cynical politicians) and end the death penalty. With more than 45,000 people in California prisons on drug charges we have proven the futility of the "war on drugs." It is a time for a war on inhumanity to our fellows. While thousands of people serve life sentences for minor thefts, multi-national businesses rip off vastly more with no accountability. It is a time for us to rethink who the enemy is. Too much is done out of fear. We are all victims of the repression that such fear is used to justify. It is time to fight for justice and equity by creating a criminal justice system

that reflects the best values of our society, not the meanest; by treating all our people in a decent and ethical manner, respecting their potential as contributing and valued members of our community. The Attorney General must seek a justice recognizable to all the people of California, not just those who pay for it. For 24 years I served as Public Defender of Santa Barbara County. The past two years I have done pro bono work for the homeless. Thus, I know one overriding truth about the criminal justice system: it isn't nearly as just for the poor as it is for the wealthy and for corporations. Elect me as Attorney General and I guarantee to represent you, not the special interests. Thank you.



DIANE BEALL TEMPLIN

American Independent Party

1016 Circle Drive
Escondido, CA 92025
760-480-0428

votefordiane@hotmail.com
www.votefordiane.org

As the *American Independent* Attorney General, I support *Biblical and Constitutional Principles of Life, Liberty and Property*. I have worked for *Crime Prevention* by teaching my own daughter, now 25, right from wrong, hugs not drugs, and provided emergency shelter care for 67 *foster children*, and 3 pregnant girls. My experience includes practicing law for 26 years, founding *Advocate's Legal Services*, working with the Liberty Amendment Committee and National Justice Foundation. I support *Restitution and Rehabilitation* as alternatives to long-term incarceration. *Our Rights are our Might, Our Votes Are Our Voice. We are Accountable, to Make the Right Choice!*

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INSURANCE COMMISSIONER



- Oversees and directs all functions of the Department of Insurance.
- Licenses, regulates, and examines insurance companies.
- Answers public questions and complaints regarding the insurance industry.
- Enforces the laws of the California Insurance Code and adopts regulations to implement the laws.



DAVID I. SHEIDLLOWER

Green Party
 4096 Piedmont Avenue #267
 Oakland, CA 94611
 510-428-9176
www.votesheidlower.org

It's time to insist on the benefit of good government and stop giving a corrupt system the benefit of the doubt. *I stand for values not fund-raising.* I stand for serving the people of California, not corporate interests. I stand for universal health coverage and for a workers' compensation system that focuses on *returning workers to health* before returning them to work. I stand for not allowing insurance companies to use their records about you in their marketing schemes without your permission. I stand for regulating the industry, not rubber stamping it. I will make sure the Department of Insurance responds to consumer complaints *quickly* and efficiently. I have broad management experience in the area of risk

underwriting, including setting premiums for the State's Aid for Infants and Mothers (AIM) program and county run health systems. As a financial services executive, I direct the development of more efficient underwriting systems to help small businesses grow. I do not accept contributions from any corporate interests and neither does my party. Our only obligation is to serve the people of this State. A vote for me is a vote to reject the way the government is currently run and to restore the government to serving the people.



JOHN GARAMENDI

Democratic Party
 P.O. Box 5224
 Fair Oaks, CA 95628
 916-366-7363
garamendicommittee@hotmail.com
www.garamendi.org

In 1991 I became California's first elected Insurance Commissioner. I built an agency that protected consumers. Consumer groups called it America's best. My successor, Republican Chuck Quackenbush, was involved in a scandal and resigned in disgrace, destroying what I built. *I ask for your vote* so that I can rebuild and restore the integrity of the Insurance Department. This job requires a proven, committed fighter for consumers, not someone who works for the industry. *I will not accept insurance company contributions.* I fought the insurance companies, returning to consumers nearly \$1 billion in rebates. We lowered auto, homeowner, and worker compensation premiums. I forced insurance

companies to pay an additional \$350 million to Oakland Hills Fire victims. Northridge earthquake victims, Laguna fire and Malibu fire victims also received my help. I led a statewide crackdown on insurance fraud. I will force insurance companies to serve all Californians by ending discrimination against the elderly, women, and minorities. I will fight for real Medicare prescription drug benefits, improvements in health insurance, long-term care and medi-gap insurance, and for lower auto insurance rates. I grew up on a cattle ranch, played college football, graduated from UC Berkeley and Harvard Business School. Patti and I were Peace Corps Volunteers in Africa. We have six children and six grandchildren. I served in the California State Senate and Assembly. In 1995, I served as Deputy Secretary of Interior in Washington DC, working to protect our National Parks and natural resources. I will fight for you, the consumer.

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INSURANCE COMMISSIONER

**DALE F. OGDEN**

Libertarian Party

3620 Almeria Street
San Pedro, CA 90731
310-547-1595

dfo@dalefogden.org
www.dalefogden.org

I, Dale F. Ogden, am qualified to be California Insurance Commissioner by a lifetime of experience. I am founder of an insurance-oriented consulting firm in Los Angeles (established 1987) and have 28 years of diversified insurance and regulatory-related experience. I am an actuary with professional credentials for life-health and property-casualty insurance and have experience in virtually all areas of insurance. Among my hundreds of clients, I have consulted with and provided expert testimony for state insurance commissioners, executive agencies of the federal government, executive and legislative branches of state governments, and state-created automobile and workers compensation

insurers and guaranty funds. Insurance is very competitive; literally hundreds of insurers compete for your business. I've helped improve insurance regulation by drafting laws and regulations and designing policies that streamline regulatory processes, eliminate dead weight, and let competition work. The budget of the Insurance Department has increased from \$28,000,000 in 1988 to more than \$150,000,000. Vast resources (taxpayer money) are wasted on redundant and useless regulation. I can reduce that bloated budget by at least \$100 million without eliminating any meaningful services. Through my experience with insurance regulation throughout most of the fifty states, I've seen what works and what doesn't work; I've seen the harm done by both excessive zeal and abuse by elected and appointed politicians for their personal and political benefit. I would not make those mistakes nor commit those abuses. I have never held political office and, if elected, would never seek another political office.

**RAÚL CALDERÓN, JR.**

Natural Law Party

P.O. Box 16854
Stanford, CA 94309

raulnlp@yahoo.com
www.natural-law.org

I will honestly and fairly supervise and regulate the insurance industry. It is time for the Insurance Commissioner and the department to focus on working for the people of California, not lining the pockets of large insurance companies. I will not accept special interest (PAC) money or donations from businesses of any kind for my campaign, and will serve only you, the citizens, who have every right to expect your elected officials to act in your best interest. There is no reason, other than "politics as usual", to not implement common sense solutions to problems such as the high cost of medical insurance, availability of cost-effective earthquake insurance, and uninsured drivers. My community-based work

as an administrator/researcher in health psychology and social health has shown me that quality health care, emphasizing prevention and screening, would both improve an individual's health and cut costs, thereby lowering the skyrocketing expense of health insurance premiums. Insurance provides a vital safety net, our last line of protection when disaster hits. Health, automobile, homeowners, earthquake, and flood insurance should be available and affordable to everyone. I will be an honest, intelligent, nonpartisan, innovative Insurance Commissioner—not a politician.

**GARY MENDOZA**

Republican Party

19 Suffolk Avenue, Suite E
Sierra Madre, CA 91024
626-355-5223

www.garymendoza.com

During the last twelve years, the California Department of Insurance has been plagued by over-politicization, gross mismanagement and scandal. *I will change that. I have a proven record of successfully fighting for California's consumers. To preserve my independence from special interests, I have not accepted contributions from insurance companies.* As California's Commissioner of Corporations, I was responsible for leading a 425-person regulatory department with jurisdiction over HMOs, securities offerings, credit unions and mortgage bankers. As Commissioner, I created an 800 phone number program to respond to consumer complaints about their HMOs. I levied a landmark \$500,000 fine against an HMO that denied

necessary care to a 9-year-old girl suffering from cancer. I helped senior citizens and other small investors recover an additional \$100 million after they were defrauded by a major brokerage firm. When Blue Cross of California wanted to convert from a non-profit organization to a for-profit corporation, I made certain that conversion resulted in the creation of two charitable foundations with more than \$4 billion of assets. These foundations have improved the lives of tens of thousands of people throughout the State and increased access to health care for the uninsured. *As Insurance Commissioner, I will fight to control auto insurance premiums and health care costs, preserve and strengthen the workers' compensation system, increase the availability of homeowners insurance and make the California Department of Insurance the effective watchdog that Californians expect and deserve.*

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SUPERINTENDENT OF PUBLIC INSTRUCTION (NONPARTISAN OFFICE)



- As the state’s chief spokesperson for public schools, provides education policy and direction to local school districts.
- Directs all functions of the Department of Education and executes policies set by the State Board of Education.
- Serves as an ex-officio member of governing boards of the state’s higher education system.
- Works with the educational community to improve academic performance.



KATHERINE H. SMITH

Nonpartisan

2166 W. Broadway Ave. #200
 Anaheim, CA 92804
 760-594-2090

smithforspi@pacbell.net
 www.kathysmith2002.com

I am not a career politician trying to find a way to stay on the public payroll. Rather, I am a businesswoman, school board president, educator, civic volunteer and mother, who can no longer stand by and watch Sacramento politicians drive our schools into the ground. The first rule in choosing elected officials is to watch what they do, not what they promise. I'll take what I've accomplished in our large, diverse Anaheim Union High School District and extend those accomplishments statewide. The key to improving our schools has been to teach the basics. We also teach patriotism, civility and respect. Insisting that students wear appropriate academic attire has fostered less violence and vandalism

and has raised academic achievement. A daily “Moment of Silence” has helped students focus. We have created an environment where children can learn and teachers can teach. Teachers must be role models: professional attire for teachers will set an example for their students to follow. Clean restrooms and school campuses are now a reality as well. Greater emphasis must be placed upon trade and technology courses so that all of our students are prepared to become productive members of society. Career politicians have not fixed our schools. We, the teachers, students and parents of California, will. I ask for your vote so we can take a failing school system away from the politicians and put parents back in charge of their children’s education. We can build a better future for our children and for our country.



JACK O'CONNELL

Nonpartisan

P.O. Box 13860
 San Luis Obispo, CA 93406
 805-547-1818

jack@oconnell2002.org
 http://www.oconnell2002.org

Our schools can and must do even better. The future of our kids depends on it. We've got great teachers. They need real parental involvement and top quality training. As a teacher, I know the importance of involvement and good training. We have made some progress. As State Senator, I wrote the law that began to reduce class size and provided up-to-date textbooks. But we can't stop now. I won't rest until we reduce class size in every classroom. Smaller classes mean more personal attention from teachers. Sadly, I'm the only candidate committed to reducing class size. I will restore accountability by conducting performance audits of our schools. I'm a taxpayer who supports our schools, but I hate to see our

money wasted. I will use these performance audits to ensure schools are accountable for how they spend our money; tax dollars should be spent in the classroom. These audits will ensure that every child has a certified teacher, modern textbooks and can attend a clean, safe school. I'm fighting to increase per-pupil spending, and I am the only candidate who has always opposed vouchers. We should increase funding for our public schools, not spend our tax dollars on voucher schools. I'm delighted to have the support of California's school teachers and education groups. California's leading newspapers say that I have been “highly effective in bringing people together for the cause of education.” I would be honored to have your support so together, we can create quality public schools.

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JUSTICES OF THE SUPREME & APPELLATE COURTS



For more information about the Supreme Court Justices and the Appellate Court Justices, please visit the Secretary of State's website at www.ss.ca.gov or call our toll-free voter line at 1-800-345-VOTE (8683).

THE ELECTORAL PROCEDURE

Under the California Constitution, justices of the Supreme Court and the courts of appeal are subject to confirmation by the voters. The public votes “yes” or “no” on whether to retain each justice.

These judicial offices are nonpartisan.

Before a person can become an appellate justice, the Governor must submit the candidate's name to the Judicial Nominees Evaluation Commission, which is comprised of public members and lawyers. The commission conducts a thorough review of the candidate's background and qualifications, with community input, and then forwards its evaluation of the candidate to the Governor.

The Governor then reviews the commission's evaluation and officially nominates the candidate, whose qualifications are subject to public comment before examination and review by the Commission on Judicial Appointments. That commission consists of the Chief Justice of California, the Attorney General of California, and a senior Presiding Justice of the Courts of Appeal. The Commission on Judicial Appointments must then confirm or reject the nomination. Only if confirmed does the nominee become a justice.

Following confirmation, the justice is sworn into office and is subject to voter approval at the next gubernatorial election, and thereafter at the conclusion of each term. The term prescribed by the California Constitution for justices of the Supreme Court and courts of appeal is 12 years. Justices are confirmed by the Commission on Judicial Appointments only until the next gubernatorial election, at which time they run for retention of the remainder of the term, if any, of their predecessor, which will be either four or eight years.

(Elections Code Section 9083.)

JUSTICES OF THE SUPREME COURT



MARVIN R. BAXTER, Associate Justice of the Supreme Court of California

BAR ADMISSION: Admitted to California Bar in 1966.

EDUCATION: Graduate of Hastings College of the Law, J.D., Coro Foundation Fellowship in Public Affairs, and California State University, Fresno, B.A.—Economics.

PROFESSIONAL LEGAL BACKGROUND: Judicial and Executive Appointments Secretary for Governor Deukmejian, Sacramento, 1983–1988; Private law practice, Fresno, 1968–1983; Fresno County Deputy District Attorney, 1966–1968.

JUDICIAL BACKGROUND: Associate Justice, Supreme Court of California, 1991 to present (nominated by Governor, confirmed by Commission on Judicial Appointments and by electorate, 1990, effective January 7, 1991). Associate Justice, Court of Appeal, Fifth Appellate District, 1988–1991.



CARLOS R. MORENO, Associate Justice of the Supreme Court of California

BAR ADMISSION: Admitted to California Bar in 1975.

EDUCATION: Stanford Law School, J.D., 1975. Yale University, B.A., 1970.

PROFESSIONAL LEGAL BACKGROUND: Deputy City Attorney, Los Angeles City Attorney's office; attorney, Kelley Drye & Warren.

JUDICIAL BACKGROUND: Associate Justice, Supreme Court of California (appointed October 18, 2001); Judge, United States District Court, Central District of California (appointed 1998); Judge, Los Angeles Superior Court (appointed 1993, elected 1994); Judge, Compton Municipal Court (appointed 1986, elected 1988).



KATHRYN M. WERDEGAR, Associate Justice of the Supreme Court of California

BAR ADMISSION: Admitted to the California Bar in 1964.

EDUCATION: Law Schools: J.D.'s University of California at Berkeley (Boalt Hall) and George Washington University. Graduated first in class; first woman elected editor-in-chief of University of California Law Review. Undergraduate: B.A., University of California at Berkeley.

PROFESSIONAL LEGAL BACKGROUND: United States Department of Justice; Director, Criminal Law Division of California Continuing Education of the Bar; Senior Staff Attorney, California Supreme Court and California Court of Appeal; Associate Professor and Associate Dean, University of San Francisco School of Law.

JUDICIAL BACKGROUND: Associate Justice, Supreme Court of California, 1994 to present. Nominated by Governor and confirmed by Commission on Judicial Appointments, 1994; confirmed by electorate, 1994. Associate Justice, Court of Appeal, First Appellate District, 1991–1994.

POLITICAL PARTY STATEMENTS OF PURPOSE



REPUBLICAN PARTY

Republicans are proud of the monumental leadership provided to our country by President George W. Bush. While President Bush is the leader of our party, he has also become the leader of all Americans. The Republican Party is following President Bush's lead so that we may also earn the privilege to be the political party that leads all Californians.

Bill Simon will be a governor that will lead all Californians, regardless of color, race, creed, or age in our quest to restore California to its once proud status as a model state for world class education, sound infrastructure, environmental protection and economic prosperity.

Bill Simon will also restore integrity to the Governor's office. With Bill Simon as governor, all Californians will have the opportunity to be heard by their governor without having to play the game of backroom shady politics.

Electing Republicans to office in California:

- Ensures excellent and accountable public schools for our children and grandchildren.
- Ensures affordable and accessible health care for children, families, and seniors.
- Stops runaway deficit spending that saddles future generations with record setting debt.

Join us in voting for the entire Republican Team.

SHAWN STEEL, *Chairman*
 The California Republican Party
 Ronald Reagan California Republican Center
 1903 West Magnolia Boulevard, Burbank, CA 91506
 818-841-5210
 916-448-9496
 E-mail: chairman@cagop.org
 Website: www.cagop.org



LIBERTARIAN PARTY

The Libertarian Party is America. We are people just like you. We want a better America. We're the *only* political party fighting for everyone's individual rights against a huge government that spends too much, taxes too much and interferes with your personal life. If you describe yourself as *socially liberal and fiscally conservative*, call us today.

The Libertarian Party supports your right to:

- keep what you earn. Reduce or eliminate taxes whenever possible.
- run your own business and enjoy your property. Reducing regulations and paperwork means more jobs, higher wages, and lower prices for everyone.
- educate your children as *you* see fit.
- choose your own lifestyle. The government should not treat you as a criminal because of your personal choices: in love; entertainment; recreation; medicine; or how you choose to die.
- truly equal treatment under the law regardless of race, sex, religion, sexuality, or other personal characteristics.
- own a gun. Self-defense is a right—not a political favor.

The Libertarian Party. With more than 60 Libertarians in office in California and over 525 office holders nationwide, we are the real choice. Call 1-877-884-1776 or go to www.lp.org and join us today!

Libertarian Party of California
 14547 Titus Street, Suite 214, Panorama City, CA 91402-4935
 1-877-884-1776
 E-mail: office@ca.lp.org
 Website: www.lp.org

DEMOCRATIC PARTY

The Democratic Party has a proven record of solid leadership on the economy, education, and public safety and has led the effort to reform corporate practices to protect taxpayers and pension funds.

Democrats, together with the leadership of Governor Davis and our Democratic officials, have:

- Increased school accountability, supported teachers and improved public education, resulting in higher test scores
- Supported our law enforcement officers and firefighters with funding for equipment and training
- Passed tough legislation to get assault weapons and Saturday Night Specials off our streets and out of our schools
- Enacted meaningful HMO reform, putting healthcare decisions back in the hands of patients and their doctors

By re-electing Governor Davis and supporting our candidates for statewide office, Congress, and the State Legislature, you will help Democrats continue to fight for:

- Further reductions in violent crime for safer neighborhoods and schools
- Quality public education for all children
- The protection of Social Security and Medicare, adding prescription drug coverage
- Responsible economic stimulation and job security for working families
- Greater environmental protections for future generations
- The protection of a woman's right to choose
- The eradication of hate crimes

Please join us as we work together to continue to build a better California.

SENATOR ART TORRES, (Ret.), *Chairman*
 California Democratic Party
 1401-21st Street #100, Sacramento, CA 95814
 916-442-5707
 213-239-8730
 FAX: 916-442-5715
 E-mail: info@ca-dem.org
 Website: www.ca-dem.org



GREEN PARTY

Green Party principles are expressed in 10 Key Values:

- | | |
|-----------------------|------------------------------------|
| Ecological Wisdom | Feminism |
| Grassroots Democracy | Community-Based Economics |
| Social Justice | Decentralization |
| Nonviolence | Personal and Global Responsibility |
| Respect for Diversity | Sustainability |

We advocate:

- Nonviolence and preservation of civil liberties.
- Increased education funding, and allowing local schools to innovate.
- Proven bilingual education programs, and increased language training for all students.
- Protecting children and youth from discrimination and exploitation.
- Universal healthcare, including holistic and mental health.
- Reproductive choice.
- True Living Wage, and workers' right to organize.
- Ending the death penalty.
- A moratorium on prison construction.
- Decriminalizing drug use, and instead funding proven treatment programs.
- Affirmative action programs.
- Eliminating discrimination based on race, sex, age and disability.

The order of the statements was determined by lot.

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POLITICAL PARTY STATEMENTS OF PURPOSE

- Increasing assistance program funding to sustainable income levels.
- Ending immigrant bashing and racial profiling.
- Supporting the rights of lesbian, gay, bisexual and transgendered people.
- Converting California's economy to long-term ecological sustainability.
- Taxing pollution, nonrenewable energy and waste, rather than labor.
- Ending corporate welfare.
- Campaign finance reform reducing the influence of money in politics.
- Electoral reform, particularly instant runoff voting and proportional representation.
- Increasing public transit.
- Ecologically sustainable land-use.
- Protecting and promoting family and organic farming.
- Energy conservation and renewable energy.
- Preserving old-growth forests.
- Ending nuclear power.

GREEN PARTY OF CALIFORNIA
 P.O. Box 2828, Sacramento, CA 95812
 916-448-3437
 E-mail: gpca@greens.org
 Website: <http://www.cagreens.org/>



REFORM PARTY

We are a Party of independent voters focused on eliminating the influence of special interest money on our political system. Large corporations have been caught engaging in questionable, if not criminal business practices. These same corporations have bought influence by means of large campaign contributions. By registering in the Reform Party, you will help to influence change by political activism.

Each election cycle has brought us false promises to fix what's broken: our schools, our water and resources, our health care and jobs. The current state of our economy is a result of corporate greed, inept government decisions, counter-productive deregulation of the Power Industry, Telecommunications, and Transportation. Our retirement systems including 401(k)s are disappearing. If you want to change the system, register in the Reform Party.

Our primary focus is preserving America's self-determination, industry and technical leadership, paying down the national debt (\$6,000,000,000,000+), balancing the federal budget and eliminating the influence of big money in U.S. politics.

The Reform Party will stay out of religion, your bedroom and social issues.

Reform means "Not For Sale At Any Price."

Only with your help can the Reform Party succeed.

Register in the Reform Party.

DONNA G. CAMPBELL, *State Chair*
 Reform Party of California
 4606 Greenbush Drive, Concord, CA 94521
 925-676-1687
 888-827-3367—Voice Mail Message Center
 FAX: 925-686-3749
 E-mail: dgcjgr5@aol.com
 Website: <http://reformpartyofcalifornia.org>

NATURAL LAW PARTY

The Natural Law Party offers voters forward-looking, common sense, prevention-oriented, scientifically proven solutions to America's problems. Our principles and programs are based upon the newest scientific knowledge revealed by quantum physics—the discovery of a unified field at the basis of all the diverse natural laws that govern our complex universe, the underlying unity of life, and the fundamental interconnectedness of all things.

We support:

- Innovative programs for developing the full potential of *all* our students, and local control of education
- Promoting more prosperous, harmonious international relations by exporting U.S. know-how, not weapons, and establishing a commission to research and recommend peaceful solutions to terrorism
- Ending special interest control of politics by eliminating PACs
- Revamping our health care system including the addition of natural health care programs shown to prevent disease and cut costs
- Ensuring a strong economy by lowering taxes responsibly and eliminating wasteful spending
- Field-tested crime prevention and rehabilitation
- Increasing renewable non-polluting energy sources, thereby limiting our dependence on fossil fuels
- Strong environmental laws that ensure a healthy and pure environment
- Safeguarding America's food supply through sustainable, organic agricultural practices, and labeling and safety testing of genetically engineered foods

NATURAL LAW PARTY OF CALIFORNIA
 P.O. Box 462, Felton, CA 95018
 831-425-2201
 FAX: 831-427-9230
 E-mail: nlpca@aol.com
 Website: <http://www.natural-law.org>



AMERICAN INDEPENDENT PARTY

Why the American Independent Party (California affiliate of the Constitution Party)?

Because our country is in deep trouble!

America is in an undeclared war with an ill-defined enemy [terrorism]; a war being used to vastly expand governmental control of our daily lives;

Our country has a national debt of some \$6 trillion, and Congress has voted to increase the debt by another \$450 billion;

As American jobs are lost, the Administration's answer is a trade policy transferring more jobs to foreign countries, expanding immigration, and granting amnesty to the illegal aliens who are unlawfully in the United States;

War is being used as an excuse to socialize the nation through taxpayer bailouts of the airlines, subsidies to the giant insurance corporations, and other programs;

Corporate crooks in the energy/utility monopolies are pillaging the taxpayers;

The holocaust slaughter of the unborn continues unabated; and

Now, two judges on the Ninth Circuit Court of Appeals have declared the country's oath of allegiance unconstitutional because it includes the words "Under God."

Against such policies the American Independent Party stands, committed to the Constitution, and to America's traditional moral values.

The A.I.P. needs you, and you need the A.I.P.

NATHAN E. JOHNSON, *State Chairman*
 American Independent Party
 1084 West Marshall Boulevard, San Bernardino, CA 92405
 619-460-4484
 E-mail: sdaip@earthlink.net
 Website: www.aipca.org

COUNTY ELECTIONS OFFICIALS

ALAMEDA COUNTY

Registrar of Voters
1225 Fallon Street, Room G-1
Oakland, CA 94612-4283
510-663-8683
www.co.alameda.ca.us/rov

ALPINE COUNTY

P.O. Box 158
Markleeville, CA 96120
530-694-2281
www.alpinecountyca.com

AMADOR COUNTY

Elections
500 Argonaut Lane
Jackson, CA 95642
209-223-6465

BUTTE COUNTY

County Clerk-Elections Division
25 County Center Drive, Suite I
Oroville, CA 95965-3375
530-538-7761
<http://clerk-recorder.buttecounty.net>

CALAVERAS COUNTY

Elections Department
891 Mountain Ranch Road
San Andreas, CA 95249-0971
209-754-6376
www.co.calaveras.ca.us

COLUSA COUNTY

546 Jay Street
Colusa, CA 95932
530-458-0500
www.colusacountyclerk.com

CONTRA COSTA COUNTY

P.O. Box 271
524 Main Street
Martinez, CA 94553
925-646-4166
www.co.contra-costa.ca.us/depart/elec/index.htm

DEL NORTE COUNTY

981 "H" Street, Suite 160
Crescent City, CA 95531
707-465-0383

EL DORADO COUNTY

Elections Department
2850 Fairlane Court
P.O. Box 678001
Placerville, CA 95667-8001
530-621-7480
www.co.el-dorado.ca.us/elections

FRESNO COUNTY

2221 Kern Street
Fresno, CA 93721
559-488-3246
www.fresno.ca.gov/2850/index.html

GLENN COUNTY

Elections
516 W. Sycamore Street, 2nd Floor
Willows, CA 95988
530-934-6414
www.countyofglenn.net/elections/home_page.asp

HUMBOLDT COUNTY

3033 "H" Street
Eureka, CA 95501
707-445-7678
www.co.humboldt.ca.us

IMPERIAL COUNTY

Registrar of Voters
940 Main Street, Suite 202
El Centro, CA 92243
760-482-4226
www.imperialcounty.net

INYO COUNTY

P.O. Box F
Independence, CA 93526
760-878-0224

KERN COUNTY

Elections Office
1115 Truxtun Avenue
Bakersfield, CA 93301
661-868-3590
1-800-452-8683
www.co.kern.ca.us/elections

KINGS COUNTY

Elections Department
1400 W. Lacey Blvd.
Hanford, CA 93230
559-582-3211 Ext. 4401
www.countyofkings.com

LAKE COUNTY

Registrar of Voters
255 North Forbes Street
Lakeport, CA 95453
707-263-2372
www.co.lake.ca.us

LASSEN COUNTY

220 S. Lassen Street, Suite 5
Susanville, CA 96130
530-251-8216
<http://clerk.lassencounty.org>

LOS ANGELES COUNTY

12400 Imperial Highway
Norwalk, CA 90650-8357
562-462-2716
www.lavote.net or
www.regrec.co.la.ca.us

MADERA COUNTY

Registrar of Voters
209 W. Yosemite Avenue
Madera, CA 93637
559-675-7720
www.madera-county.com

MARIN COUNTY

3501 Civic Center Drive, Room 121
San Rafael, CA 94903
P.O. Box E (Mailing Address)
San Rafael, CA 94913
415-499-6456
www.co.marin.ca.us

MARIPOSA COUNTY

4982 - 10th Street
P.O. Box 247
Mariposa, CA 95338
209-966-2007

MENDOCINO COUNTY

501 Low Gap Road, Room 1020
Ukiah, CA 95482
707-463-4371
www.co.mendocino.ca.us

MERCED COUNTY

2222 "M" Street, Room 14
Merced, CA 95340
209-385-7541
www.co.merced.ca.us

MODOC COUNTY

County Clerk/Elections Office
P.O. Box 130
Alturas, CA 96101
530-233-6201

MONO COUNTY

Registrar of Voters
P.O. Box 237
Bridgeport, CA 93517
760-932-5530

MONTEREY COUNTY

1370 B South Main Street
Salinas, CA 93901
831-796-1499
www.montereycountyelections.us

NAPA COUNTY

900 Coombs Street, Room 256
Napa, CA 94559
707-253-4321
www.co.napa.ca.us

NEVADA COUNTY

Elections
10433 Willow Valley Road, Suite E
Nevada City, CA 95959
530-265-1298
www.election.co.nevada.ca.us

COUNTY ELECTIONS OFFICIALS

ORANGE COUNTY

1300 S. Grand Avenue, Bldg. C
Santa Ana, CA 92705
714-567-7600
www.oc.ca.gov/election

PLACER COUNTY

2956 Richardson Drive
P.O. Box 5278
Auburn, CA 95604
530-886-5650
www.placer.ca.gov/elections

PLUMAS COUNTY

County Clerk/Elections Office
520 Main Street, Room 102
Quincy, CA 95971
530-283-6256
<http://countyofplumas.com>

RIVERSIDE COUNTY

Registrar of Voters
2724 Gateway Drive
Riverside, CA 92507
909-486-7200
www.voteinfo.net

SACRAMENTO COUNTY

Voter Registration & Elections
3700 Branch Center Road
Sacramento, CA 95827
916-875-6451
www.co.sacramento.ca.us/elections

SAN BENITO COUNTY

Courthouse
440 Fifth Street, Room 206
Hollister, CA 95023
831-636-4016

SAN BERNARDINO COUNTY

Registrar of Voters
777 East Rialto Avenue
San Bernardino, CA 92415-0770
909-387-8300
www.sbcrov.com

SAN DIEGO COUNTY

Registrar of Voters
5201 Ruffin Road, Suite I
San Diego, CA 92123
858-565-5800
www.sdvote.com

SAN FRANCISCO COUNTY

1 Dr. Carlton B. Goodlett Place,
Room 48
San Francisco, CA 94102
415-554-4375
www.sfgov.org

SAN JOAQUIN COUNTY

212 N. San Joaquin Street
Stockton, CA 95202
209-468-2885
www.co.san-joaquin.ca.us/elect

SAN LUIS OBISPO COUNTY

Elections Division
1144 Monterey Street, Suite A
San Luis Obispo, CA 93408
805-781-5228
www.sloelections.org

SAN MATEO COUNTY

Registration and Elections Division
40 Tower Road
San Mateo, CA 94402
650-312-5222
www.shapethefuture.org

SANTA BARBARA COUNTY

1101 Anacapa Street, Second Floor
P.O. Box 159
Santa Barbara, CA 93102
805-568-2200
www.sb-democracy.com

SANTA CLARA COUNTY

1555 Berger Drive, Bldg. #2
San Jose, CA 95112
408-299-VOTE (8683)
408-299-POLL (7655)
www.sccvote.org

SANTA CRUZ COUNTY

701 Ocean Street, Room 210
Santa Cruz, CA 95060
831-454-2060
www.votescount.com

SHASTA COUNTY

1643 Market Street
Redding, CA 96001
P.O. Box 990880 (Mailing Address)
Redding, CA 96099-0880
530-225-5730
www.co.shasta.ca.us

SIERRA COUNTY

County Clerk-Recorder
Courthouse, Room 11
P.O. Drawer D
Downieville, CA 95936
530-289-3295

SISKIYOU COUNTY

311 Fourth Street, Room 201
P.O. Box 338
Yreka, CA 96097
530-842-8084
www.co.siskiyou.ca.us

SOLANO COUNTY

Registrar of Voters
510 Clay Street
P.O. Box I
Fairfield, CA 94533
707-421-6675
1-888-933-VOTE (8683)
www.solanocounty.com/elections

SONOMA COUNTY

435 Fiscal Drive
P.O. Box 11485
Santa Rosa, CA 95406-1485
707-565-6800
1-800-750-VOTE (8683)
www.sonoma-county.org/regvoter

STANISLAUS COUNTY

1021 "I" Street, Suite 101
Modesto, CA 95354
209-525-5200

SUTTER COUNTY

Registrar of Voters
433 Second Street
Yuba City, CA 95991
530-822-7122

TEHAMA COUNTY

444 Oak Street, Room C
P.O. Box 250
Red Bluff, CA 96080
530-527-8190

TRINITY COUNTY

101 Court Street
P.O. Box 1215
Weaverville, CA 96093-1215
530-623-1220
www.trinitycounty.org/elections

TULARE COUNTY

Elections
221 S. Mooney Blvd., Room G-28
Visalia, CA 93291-4596
559-733-6275
www.tularecoauditor.org/elections

TUOLUMNE COUNTY

County Clerk & Election Department
39 N. Washington Street, Suite A
2 S. Green Street (Mailing Address)
Sonora, CA 95370
209-533-5570

VENTURA COUNTY

Elections Division
800 S. Victoria Avenue, L-1200
Ventura, CA 93009
805-654-2664
www.ventura.org/election/elecidx.htm

YOLO COUNTY

Elections Office
625 Court Street, Room B05
Woodland, CA 95695
P.O. Box 1820 (Mailing Address)
Woodland, CA 95776-1820
530-666-8133
www.yoloelections.org

YUBA COUNTY

Elections
935 14th Street
Marysville, CA 95901
530-741-6545
www.co.yuba.ca.us



NEED TO FIND YOUR POLLING PLACE?

VISIT OUR WEBSITE AT www.ss.ca.gov and click on the polling place icon.

OUR WEBSITE ALSO PROVIDES:

- ★ Live Election Night Results
- ★ Lists of Candidates
- ★ Campaign Contribution Disclosure Information
- ★ Absentee Ballot Information

YOUR POLLING PLACE LOCATION is also listed on the back cover of your Sample Ballot that is mailed to you by your county elections official.

CALL YOUR COUNTY ELECTIONS OFFICE for assistance. (See page 60 for local county elections official contact information.)



SERVE AS A POLLWORKER ON ELECTION DAY!

HELP PRESERVE OUR DEMOCRACY!

- ★ Assist voters on Election Day
- ★ Earn extra money (stipend varies by county)

DID YOU KNOW THERE IS A STUDENT POLLWORKER PROGRAM?

Eligible students may be appointed as pollworkers on Election Day. Students learn firsthand the importance of participating in the electoral process. Students provide much needed support at polling place locations.

Contact your County Elections Official for complete information and **APPLY TODAY!**

(See page 60 for local county elections official contact information.)



YOUR VOTE MAKES A DIFFERENCE!

FOLLOW THESE 3 SIMPLE STEPS OF VOTING

REGISTER



If you are a United States citizen, a resident of California, not in prison or on parole for conviction of a felony, and will be 18 years of age by November 5, 2002, you can register to vote. To register to vote, you can:

- **Call or visit** your county elections office (see page 60 for contact information).
- **Call** the Secretary of State's Toll-Free Voter Hot Line at 1-800-345-VOTE.
- **Register on-line** at www.ss.ca.gov/elections/elections_vr.htm.

Your completed registration form should be received by your county elections office at least 15 days before the election (October 21, 2002).

LEARN



There are several ways you can learn about candidates and ballot measures.

- **Your County Sample Ballot** provides the location of your polling place, polling place hours, who your local and state legislative candidates are, how to apply for an absentee ballot, and how to use the voting equipment in your county.
- **The State Voter Information Guide** provides the information you need to know about statewide candidates and ballot measures. An audio version is available for the visually impaired by calling 1-800-345-VOTE. The State Voter Information Guide is also available on-line at www.voterguide.ss.ca.gov.
- **Cal Access** is an on-line tool which provides information on who is contributing campaign funds to support or oppose statewide candidates and ballot measures. Go on-line at www.cal-access.ss.ca.gov for more information.
- **Talk with Family and Friends** because the decisions you make in the voting booth are important and help keep our country strong.

VOTE



Election Day is **Tuesday, November 5, 2002**. The polls are open from 7:00 a.m. to 8:00 p.m.

- **Find your Polling Place**—The location of your polling place is provided on the back of your county sample ballot. You can also find your polling place by calling your county elections office or on-line at http://www.ss.ca.gov/elections/elections_ppl.htm.
- **To Vote by Mail**—Your county sample ballot contains an application for an “absentee ballot.” In order to receive your absentee ballot in time to vote, this application must be received by your county elections office by October 29th. In order to be counted, your absentee ballot must be received by your county elections office no later than 8:00 p.m. on Election Day, November 5, 2002.

IMPROVED VOTING SYSTEMS

PROPOSITION 41 – VOTING MODERNIZATION BOND ACT OF 2002

Proposition 41, approved by the voters at the March 5, 2002, Primary Election, allocated \$200 million to upgrade voting systems, and established a Voting Modernization Board to carry out this task.

FUTURE IMPROVEMENTS TO COUNTY VOTING SYSTEMS WILL INCLUDE . . .

- ★ No more chad
- ★ No more over votes
- ★ No more unintentional under votes
- ★ Greater accessibility to persons with disabilities
- ★ Early voting
- ★ Accommodation of federally required languages
- ★ Improvements in security
- ★ Accelerated reporting of election results



Visit the Proposition 41 website at <http://www.ss.ca.gov/elections/vma/home.html> to find important information and material related to the Voting Modernization Bond Act.



ABOUT INITIATIVES

WHAT IS THE INITIATIVE PROCESS?

The initiative process, often referred to as “direct democracy,” is a tool which citizens can use to directly propose change to California law instead of going through their legislative representatives in state government.

HOW TO QUALIFY AN INITIATIVE FOR THE BALLOT

The first step in the process is drafting the text of the proposed law (or measure). The proponent(s) or author(s) of the measure can write the text themselves, seek assistance from private counsel, or request assistance from the Office of the Legislative Counsel.

TITLE AND SUMMARY

Once the text has been drafted, the proponent(s) must submit a written request to the Attorney General, along with the text of the measure and \$200, for an official title and summary of the measure. The Attorney General prepares an official title and summary and, if necessary, requests a joint fiscal impact report from the Department of Finance and the Joint Legislative Budget Committee.

PETITION CIRCULATION

Once an official title and summary is issued by the Attorney General, an official filing date is established and a calendar of important filing deadlines is prepared for the proponent(s) by the Secretary of State. The proponent(s) have 150 days to circulate petitions for signatures to qualify the measure for the ballot.

Proponent(s) must collect signatures equal to 5% of the total number of votes cast for all candidates for Governor at the last gubernatorial election to qualify an initiative proposing to change California statutes. If an initiative proposes to amend the California Constitution, proponent(s) must collect signatures equal to 8% of the total number of votes cast for all candidates for Governor at the last gubernatorial election.

FILING AND CIRCULATION

Once the required number of signatures has been collected, the proponent(s) must file the petitions with the appropriate county elections official for signature verification. The initiative is considered qualified once the Secretary of State receives notification from the county elections officials certifying the petitions have been signed by the requisite number of registered voters.

PROPOSITION PLACED ON THE BALLOT FOR VOTER APPROVAL

Once an initiative has qualified, it is placed on the next statewide ballot. However, it must qualify at least 131 days before the next statewide election at which it will be placed before the voters. If approved by a simple majority vote, the initiative takes effect the day after the election unless another enactment date is specified in the text of the measure.

For more information regarding the initiative process, please visit the Secretary of State’s website at www.ss.ca.gov or call the Elections Division at 916-657-2166.

TEXT OF PROPOSED LAWS



PROPOSITION 46

This law proposed by Senate Bill 1227 of the 2001–2002 Regular Session (Chapter 26, Statutes of 2002) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Health and Safety Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SEC. 8. Part 11 (commencing with Section 53500) is added to Division 31 of the Health and Safety Code, to read:

PART 11. HOUSING AND EMERGENCY SHELTER TRUST FUND ACT OF 2002

CHAPTER 1. GENERAL PROVISIONS

53500. *This part shall be known and may be cited as the Housing and Emergency Shelter Trust Fund Act of 2002.*

53501. *As used in this part, the following terms have the following meanings:*

(a) “Committee” means the Housing Finance Committee created pursuant to Section 53524.

(b) “Fund” means the Housing and Emergency Shelter Trust Fund created pursuant to Section 53520.

CHAPTER 2. HOUSING AND EMERGENCY SHELTER TRUST FUND

53520. *The proceeds of bonds issued and sold pursuant to this part shall be deposited in the Housing and Emergency Shelter Trust Fund, which is hereby created. Money in the fund shall be allocated and utilized in accordance with Chapter 4 (commencing with Section 53533).*

CHAPTER 3. FISCAL PROVISIONS

53521. *Bonds in the total amount of two billion one hundred million dollars (\$2,100,000,000) exclusive of refunding bonds, or so much thereof as is determined necessary and feasible by the committee in order to effectuate this part or to conduct an effective sale, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this part and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds shall, when sold, be and constitute a valid legally and binding obligation of the state, and the full faith and credit of the state is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.*

53522. *Any bonds issued and sold pursuant to this part 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 4 of Title 2 of the Government Code. Approval by the electors of the state for the issuance of bonds described in 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.*

53523. (a) *The bonds authorized by this part 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 other provisions of that law apply to the bonds and to this part and are hereby incorporated in this part as though set forth in full in this part.*

(b) *Pursuant to the State General Obligation Bond Law, 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 chapter.*

53524. (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 part, the Housing Finance Committee is hereby created. For purposes of this part, the Housing Finance Committee is “the committee” as that term is used in the State General Obligation Bond Law. The committee consists of the Controller, the Treasurer, the Director of Finance, the Secretary of the Business, Transportation and Housing Agency, the Director of Housing and Community Development, and the Executive Director of the California Housing Finance Agency, or their designated representatives. The Treasurer shall serve as the*

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 is designated the “board” for programs administered by the department, and the agency is the “board” for programs administered by the agency.*

53525. *Upon request of the board stating that funds are needed for the purposes of this chapter, the committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this part in order to carry out the actions specified in Chapter 4 (commencing with Section 53533) 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.*

53526. *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, 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.*

53527. *Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund, for the purposes of this part, 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 part, as the principal and interest become due and payable.*

(b) *The sum necessary to carry out the provisions of Section 53528, appropriated without regard to fiscal years.*

53528. *For the purposes of carrying out this part, 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 part. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund from money received from the sale of bonds for the purpose of carrying out this part.*

53529. *Notwithstanding any other provision of this part, or of the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this part that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions, the Treasurer may maintain separate accounts for the bond proceeds invested and the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law, or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order 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.*

53530. *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 part. The amount of the request shall not exceed the amount of unsold bonds that the committee has by resolution authorized to be sold for the purpose of carrying out this part. The board shall execute any documents that are 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 part.*

53531. *All money deposited in the fund that is derived from premiums 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.*

53532. *The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this part 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.*

CHAPTER 4. ALLOCATION OF HOUSING BOND REVENUES

53533. (a) *Money deposited in the fund from the sale of bonds pursuant to this part shall be allocated for expenditure in accordance with the following schedule:*

PROPOSITION 46 (cont.)

(1) Nine hundred ten million dollars (\$910,000,000) shall be transferred to the Housing Rehabilitation Loan Fund to be expended for the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, except for the following:

(A) Fifty million dollars (\$50,000,000) shall be transferred to the Preservation Opportunity Fund and, notwithstanding Section 13340 of the Government Code, is continuously appropriated without regard to fiscal years for the preservation of at-risk housing pursuant to enabling legislation.

(B) Twenty million dollars (\$20,000,000) shall be used for nonresidential space for supportive services, including, but not limited to, job training, health services, and child care within, or immediately proximate to, projects to be funded under the Multifamily Housing Program. This funding shall be in addition to any applicable per-unit or project loan limits and may be in the form of a grant. Service providers shall ensure that services are available to project residents on a priority basis over the general public.

(C) Twenty-five million dollars (\$25,000,000) shall be used for matching grants to local housing trust funds pursuant to enabling legislation.

(D) Fifteen million dollars (\$15,000,000) shall be used for student housing through the Multifamily Housing Program, subject to the following provisions:

(i) The department shall give first priority for projects on land owned by a University of California or California State University campus. Second priority shall be given to projects located within one mile of a University of California or California State University campus that is suffering from a severe shortage of housing and limited availability of developable land as determined by the department. Those determinations shall be set forth in the Notice of Funding Availability and shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.

(ii) All funds shall be matched on a one-to-one basis from private sources or by the University of California or California State University. For the purposes of this subparagraph, "University of California" includes the Hastings College of the Law.

(iii) Occupancy for the units shall be restricted to students enrolled on a full-time basis in the University of California or California State University.

(iv) Income eligibility pursuant to the Multifamily Housing Program shall be established by verification of the combined income of the student and his or her family.

(v) Any funds not used for this purpose within 24 months of the date that the funds are made available shall be awarded pursuant to subdivision (a) for the Downtown Rebound Program as set forth in paragraph (1) of subdivision (c) of Section 50898.2.

(E) Any funds not encumbered for the purposes set forth in this paragraph, except subparagraph (D), within 30 months of availability shall revert to the Housing Rehabilitation Loan Fund created by Section 50661 for general use in the Multifamily Housing Program.

(F) If the enabling legislation for any program specified in this paragraph fails to be enacted into law in the 2001–02 Regular Session of the Legislature, the specified allocation for that program shall be void and the funds shall revert for general use in the Multifamily Housing Program.

(2) One hundred ninety-five million dollars (\$195,000,000) shall be transferred to the Emergency Housing and Assistance Fund to be expended for the Emergency Housing and Assistance Program authorized by Chapter 11.5 (commencing with Section 50800) of Part 2.

(3) One hundred ninety-five million dollars (\$195,000,000) shall be transferred to the Housing Rehabilitation Loan Fund to be expended for the Multifamily Housing Program authorized by Chapter 6.7 (commencing with Section 50675) of Part 2, to be used for supportive housing projects for individuals and households moving from emergency shelters or transitional housing or those at risk of homelessness. The criteria for selecting projects should give priority to supportive housing for people with disabilities who would otherwise be at high risk of homelessness where the applications represent collaboration with programs that meet the needs of the person's disabilities. The department may provide for higher per-unit loan limits as reasonably necessary to provide and maintain rents affordable to those individuals and households. For purposes of this paragraph, "supportive housing" means housing with no limit on length of stay, that is occupied by the target population, as defined in subdivision (d) of Section 53260, and that is linked to onsite or offsite services that assist the tenant to retain the housing, improve his or her health status, maximize his or her ability to live, and, when possible, work in the community.

(4) Two hundred million dollars (\$200,000,000) shall be transferred to the Joe Serna, Jr. Farmworker Housing Grant Fund to be expended for farmworker housing programs authorized by Chapter 3.2 (commencing with Section 50517.5) of Part 2, except for the following:

(A) Twenty-five million dollars (\$25,000,000) shall be used for projects that serve migratory agricultural workers as defined in subdivision (i) of Section 7602 of Title 25 of the California Code of Regulations.

(B) Twenty million dollars (\$20,000,000) shall be used for developments that also provide health services to the residents. Recipients of these funds shall be required to provide ongoing monitoring of funded developments to ensure compliance with the requirements of the Joe Serna, Jr. Farmworker Housing Grant Program. Projects receiving funds through this allocation shall be ineligible for funding through the Joe Serna, Jr. Farmworker Housing Grant Program.

(C) Any funds not encumbered for the purposes set forth in this paragraph within 30 months of availability shall revert for general use in the Joe Serna, Jr. Farmworker Housing Grant Program.

(5) Two hundred five million dollars (\$205,000,000) shall be transferred to the Self-Help Housing Fund. Notwithstanding Section 13340 of the Government Code and Section 50697.1, these funds are hereby continuously appropriated without regard to fiscal years to the department to be expended for the purposes of the CalHome Program authorized by Chapter 6 (commencing with Section 50650) of Part 2, except for the following:

(A) Seventy-five million dollars (\$75,000,000) shall be transferred to the Building Equity and Growth in Neighborhoods Fund to be used for the Building Equity and Growth in Neighborhoods (BEGIN) Program pursuant to enabling legislation.

(B) Five million dollars (\$5,000,000) shall be used to provide grants to cities, counties, cities and counties, and nonprofit organizations to provide grants for lower income tenants with disabilities for the purpose of making exterior modifications to rental housing in order to make that housing accessible to persons with disabilities. For the purposes of this subparagraph, "exterior modifications" includes modifications that are made to entryways or to common areas of the structure or property. The program provided for under this subparagraph shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code.

(C) Ten million dollars (\$10,000,000) shall be expended for construction management under the California Self-Help Housing Program pursuant to subdivision (b) of Section 50696.

(D) Any funds not encumbered for the purposes set forth in this paragraph within 30 months of availability shall revert for general use in the CalHome Program.

(E) If the enabling legislation for any program specified in this paragraph fails to be enacted into law in the 2001–02 Regular Session of the Legislature, the specified allocation for that program shall be void and the funds shall revert for general use in the CalHome Program.

(6) Five million dollars (\$5,000,000) shall be transferred to the Housing Rehabilitation Loan Fund to be expended for capital expenditures in support of local code enforcement and compliance programs. This allocation shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Title 2 of the Government Code. If the moneys allocated pursuant to this paragraph are not expended within three years after being transferred, the department may, in its discretion, transfer the moneys to the Housing Rehabilitation Loan Fund to be expended for the Multifamily Housing Program.

(7) Two hundred ninety million dollars (\$290,000,000) shall be transferred to the Self-Help Housing Fund. Notwithstanding Section 50697.1, these funds are hereby continuously appropriated to the agency to be expended for the purposes of the California Homebuyer's Downpayment Assistance Program authorized by Chapter 11 (commencing with Section 51500) of Part 3, except for the following:

(A) Fifty million dollars (\$50,000,000) shall be transferred to the School Facilities Fee Assistance Fund as provided by subdivision (a) of Section 51453 to be used for the Homebuyer Down Payment Assistance Program of 2002 established by Section 51451.5.

(B) Eighty-five million dollars (\$85,000,000) shall be transferred to the California Housing Loan Insurance Fund to be used for purposes of Part 4 (commencing with Section 51600).

(C) Twelve million five hundred thousand dollars (\$12,500,000) shall be reserved for downpayment assistance to low-income first-time homebuyers who, as documented to the agency by a nonprofit organization certified and funded to provide homeownership counseling by a federally funded national nonprofit corporation, is purchasing a residence in a community revitalization area targeted by the nonprofit organization and who has received homeownership counseling from the nonprofit organization.

(D) Twenty-five million dollars (\$25,000,000) shall be used for downpayment assistance pursuant to Section 51505. After 18 months of availability, if the agency determines that the funds set aside pursuant to this section will not be

PROPOSITION 46 (cont.)

utilized for purposes of Section 51505, these funds shall be available for the general use of the agency for the purposes of the California Homebuyer's Down Payment Assistance Program, but may also continue to be available for the purposes of Section 51505.

(E) Funds not utilized for the purposes set forth in subparagraphs (B) and (C) within 30 months shall revert for general use in the California Homebuyer's Down Payment Assistance Program.

(8) One hundred million dollars (\$100,000,000) shall be transferred to the Jobs Housing Improvement Account to be expended as capital grants to local governments for increasing housing pursuant to enabling legislation. If the enabling legislation fails to become law in the 2001–02 Regular Session of the Legislature, the specified allocation for this program shall be void and the funds shall revert for general use in the Multifamily Housing Program as specified in paragraph (1) of subdivision (a).

(b) No portion of the money allocated pursuant to this section may be expended for project operating costs, except that this section does not preclude expenditures for operating costs from reserves required to be maintained by or on behalf of the project sponsor.

(c) The Legislature may, from time to time, amend the provisions of law related to programs to which funds are, or have been, allocated pursuant to this section for the purpose of improving the efficiency and effectiveness of the program, or for the purpose of furthering the goals of the program.

(d) The Bureau of State Audits shall conduct periodic audits to ensure that bond proceeds are awarded in a timely fashion and in a manner consistent with the requirements of this part, and that awardes of bond proceeds are using funds in compliance with applicable provisions of this part.



PROPOSITION 47

This law proposed by Assembly Bill 16 of the 2001–2002 Regular Session (Chapter 33, Statutes of 2002) 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

SEC. 30. Part 68.1 (commencing with Section 100600) is added to the Education Code, to read:

PART 68.1. KINDERGARTEN–UNIVERSITY
PUBLIC EDUCATION FACILITIES
BOND ACT OF 2002

CHAPTER 1. GENERAL

100600. This part shall be known and may be cited as the Kindergarten–University Public Education Facilities Bond Act of 2002.

100601. The incorporation of, or reference to, any provision of California statutory law in this part includes all acts amendatory thereof and supplementary thereto.

100603. Bonds in the total amount of thirteen billion fifty million dollars (\$13,050,000,000), not including the amount of any refunding bonds issued in accordance with Sections 100644 and 100755, 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 part 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.

(b) Pursuant to this section, the Treasurer shall sell the bonds authorized by the State School Building Finance Committee established by Section 15909 or the Higher Education Facilities Finance Committee established pursuant to Section 67353, as the case may be, at any different times necessary to service expenditures required by the apportionments.

CHAPTER 2. KINDERGARTEN THROUGH 12TH GRADE

Article 1. Kindergarten Through 12th Grade School
Facilities Program Provisions

100610. The proceeds of bonds issued and sold pursuant to Article 2 (commencing with Section 100625) shall be deposited in the 2002 State School Facilities Fund, which is established in Section 17070.40, and shall be allocated by the State Allocation Board pursuant to this chapter.

100615. All moneys deposited in the 2002 State Facilities Fund for the purposes of this chapter shall be available and, notwithstanding any other provision of law to the contrary, are hereby appropriated to provide aid to school districts, county superintendents of schools, and county boards of education of the state in accordance with the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10), as set forth in Section 100620, to provide funds to repay any money advanced or loaned to the 2002 State School Facilities Fund under any act of the Legislature, together with

interest provided for in that act, and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

100620. (a) The proceeds from the sale of bonds, issued and sold for the purposes of this chapter, shall be allocated in accordance with the following schedule:

(1) The amount of three billion four hundred fifty million dollars (\$3,450,000,000) for new construction of school facilities of applicant school districts under Chapter 12.5 (commencing with Section 17070.10) of Part 10 for those school districts that file an application with the Office of Public School Construction after February 1, 2002, including, but not limited to, hardship applications.

(A) Of the amount allocated pursuant to this paragraph, up to one hundred million dollars (\$100,000,000) shall be available for providing school facilities to charter schools pursuant to a statute enacted after the effective date of the act enacting this section.

(B) If the Housing and Emergency Shelter Trust Fund Act of 2002 is submitted to the voters at the November 5, 2002, general election and fails passage by the voters, of the amount allocated pursuant to this paragraph, twenty-five million dollars (\$25,000,000) shall be available for the purposes of Sections 51451.5, 51453, and 51455 of the Health and Safety Code.

(2) The amount of one billion four hundred million dollars (\$1,400,000,000) for the modernization of school facilities pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10 for those school districts that file an application with the Office of Public School Construction after February 1, 2002, including, but not limited to, hardship applications.

(3) The amount of two billion nine hundred million dollars (\$2,900,000,000) for new construction of school facilities pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10 for those school districts that have filed an application with the Office of Public School Construction on or before February 1, 2002, including, but not limited to, hardship applications. If the amount made available for purposes of this paragraph is not needed and expended for the purposes of this paragraph, the State Allocation Board may allocate the remainder of these funds for purposes of paragraph (1).

(4) The amount of one billion nine hundred million dollars (\$1,900,000,000) for the modernization of school facilities pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10, for those school districts that have filed an application with the Office of Public School Construction on or before February 1, 2002, including, but not limited to, hardship applications. If the amount made available for purposes of this paragraph is not needed and expended for the purposes of this paragraph, the State Allocation Board may allocate these funds for purposes of paragraph (2).

(5) The amount of one billion seven hundred million dollars (\$1,700,000,000) for deposit into the 2002 Critically Overcrowded School Facilities Account established within the 2002 State School Facilities Fund pursuant to subdivision (e) of Section 17078.10, for the purposes set forth in Article 11 (commencing with Section 17078.10) of Chapter 12.5 of Part 10 relating to critically overcrowded schools, including, but not limited to, hardship applications, and any other new construction or modernization projects as authorized pursuant to Section 17078.30.

(6) The amount of fifty million dollars (\$50,000,000) for the purposes set forth in Article 10.6 (commencing with Section 17077.40) of Chapter 12.5 of Part 10 relating to joint-use projects, including, but not limited to, hardship applications.

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(b) School districts may use funds allocated pursuant to paragraphs (2) and (4) of subdivision (a) only for one or more of the following purposes in accordance with Chapter 12.5 (commencing with Section 17070.10) of Part 10:

(1) The purchase and installation of air-conditioning equipment and insulation materials, and related costs.

(2) Construction projects or the purchase of furniture or equipment designed to increase school security or playground safety.

(3) The identification, assessment, or abatement in school facilities of hazardous asbestos.

(4) Project funding for high priority roof replacement projects.

(5) Any other modernization of facilities pursuant to Chapter 12.5 (commencing with Section 17070.10) of Part 10.

(c) Funds allocated pursuant to paragraphs (1) and (3) of subdivision (a) may, also, be utilized to provide new construction grants for eligible applicant county boards of education under Chapter 12.5 (commencing with Section 17070.10) of Part 10 for funding classrooms for severely handicapped pupils, or for funding classrooms for county community school pupils.

(d) (1) The Legislature may amend this section to adjust the funding amounts specified in paragraphs (1) to (6), inclusive, of subdivision (a), only by either of the following methods:

(A) By a statute, passed in each house of the Legislature by rollcall vote entered in the respective journals, by not less than two-thirds of the membership in each house concurring, if the statute is consistent with, and furthers the purposes of, this chapter.

(B) By a statute that becomes effective only when approved by the voters.

(2) Amendments pursuant to this subdivision may adjust the amounts to be expended pursuant to paragraphs (1) to (6), inclusive, of subdivision (a), but may not increase or decrease the total amount to be expended pursuant to that subdivision.

(e) From the total amounts set forth in paragraphs (1) to (6), inclusive, of subdivision (a), a total of no more than twenty million dollars (\$20,000,000) shall be used for the costs of energy conservation adjustments authorized pursuant to Section 17077.35.

(f) Funds available pursuant to this section may be used for acquisition of school facilities authorized pursuant to Section 17280.5.

Article 2. Kindergarten Through 12th Grade School
Facilities Fiscal Provisions

100625. (a) Of the total amount of bonds authorized to be issued and sold pursuant to Chapter 1 (commencing with Section 100600), bonds in the total amount of eleven billion four hundred million dollars (\$11,400,000,000) not including the amount of any refunding bonds issued in accordance with Section 100644, 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 chapter 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.

(b) Pursuant to this section, the Treasurer shall sell the bonds authorized by the State School Building Finance Committee established pursuant to Section 15909 at any different times necessary to service expenditures required by the apportionments.

100627. The State School Building Finance Committee, established by Section 15909 and composed of the Governor, the Controller, the Treasurer, the Director of Finance, and the Superintendent of Public Instruction, or their designated representatives, all of whom shall serve thereon without compensation, and a majority of whom shall constitute a quorum, is continued in existence for the purpose of this chapter. The Treasurer shall serve as chairperson of the committee. Two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker of the Assembly, shall meet with and provide advice to the committee to the extent that the advisory participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this chapter, the Members of the Legislature shall constitute an interim investigating committee on the subject of this chapter and, as that committee, shall have the powers granted to, and duties imposed upon, those committees by the Joint Rules of the Senate and the Assembly. The Director of Finance shall provide assistance to the committee as it may require. The Attorney General of the state is the legal adviser of the committee.

100630. (a) 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, except Section 16727 of the Government Code, apply to the bonds and to this chapter and are hereby incorporated into this chapter as though set forth in full within this chapter.

(b) For purposes of the State General Obligation Bond Law, the State Allocation Board is designated the "board" for purposes of administering the 2002 State School Facilities Fund.

100632. Upon request of the State Allocation Board from time to time, supported by a statement of the apportionments made and to be made for the purposes described in Sections 100615 and 100620, the State School Building Finance Committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to fund the apportionments and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to fund those apportionments progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

100634. 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.

100635. 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 100640, appropriated without regard to fiscal years.

100636. The State Allocation Board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other approved form of interim financing, in accordance with Section 16312 of the Government Code, for the purpose 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 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.

100638. Notwithstanding any other provision of this chapter, or of 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 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 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 this state.

100640. For the purposes of carrying out this chapter, 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 State School Building Finance Committee to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the 2002 State School Facilities Fund consistent with this chapter. 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 chapter.

100642. All money deposited in the 2002 State School Facilities 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.

100644. 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

PROPOSITION 47 (cont.)

any bonds originally issued under this chapter or any previously issued refunding bonds.

100646. 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.

CHAPTER 3. HIGHER EDUCATION FACILITIES

Article 1. General

100650. (a) The system of public higher education in this state includes the University of California, the Hastings College of the Law, the California State University, the California Community Colleges, and their respective off-campus centers.

(b) The 2002 Higher Education Capital Outlay Bond Fund is hereby established in the State Treasury for deposit of funds from the proceeds of bonds issued and sold for the purposes of this chapter.

(c) The Higher Education Facilities Finance Committee established pursuant to Section 67353 is hereby authorized to create a debt or debts, liability or liabilities, of the State of California pursuant to this chapter for the purpose of providing funds to aid the University of California, the Hastings College of the Law, the California State University, and the California Community Colleges.

Article 2. Program Provisions Applicable to the University of California and the Hastings College of the Law

100652. (a) From the proceeds of bonds issued and sold pursuant to Article 5 (commencing with Section 100700), the sum of four hundred eight million two hundred sixteen thousand dollars (\$408,216,000) shall be deposited in the 2002 Higher Education Capital Outlay Bond Fund for the purposes of this article. When appropriated, these funds shall be available for expenditure for the purposes of this article.

(b) The purposes of this article include assisting in meeting the capital outlay financing needs of the University of California and the Hastings College of the Law.

(c) Proceeds from the sale of bonds issued and sold for the purposes of this article may be used to fund construction on existing campuses, including the construction of buildings and the acquisition of related fixtures, construction of facilities that may be used by more than one segment of public higher education (intersegmental), the renovation and reconstruction of facilities, site acquisition, the equipping of new, renovated, or reconstructed facilities, which equipment shall have an average useful life of 10 years; and to provide funds for the payment of preconstruction costs, including, but not limited to, preliminary plans and working drawings for facilities of the University of California and the Hastings College of the Law.

Article 3. Program Provisions Applicable to the California State University

100653. (a) From the proceeds of bonds issued and sold pursuant to Article 5 (commencing with Section 100700), the sum of four hundred ninety-five million nine hundred thirty-two thousand dollars (\$495,932,000) shall be deposited in the 2002 Higher Education Capital Outlay Bond Fund for the purposes of this article. When appropriated, these funds shall be available for expenditure for the purposes of this article.

(b) The purposes of this article include assisting in meeting the capital outlay financing needs of the California State University.

(c) Proceeds from the sale of bonds issued and sold for the purposes of this article may be used to fund construction on existing campuses, including the construction of buildings and the acquisition of related fixtures, construction of facilities that may be used by more than one segment of public higher education (intersegmental), the renovation and reconstruction of facilities, site acquisition, the equipping of new, renovated, or reconstructed facilities, which equipment shall have an average useful life of 10 years; and to provide funds for the payment of preconstruction costs, including, but not limited to, preliminary plans and working drawings for facilities of the California State University.

Article 4. Program Provisions Applicable to the California Community Colleges

100654. (a) From the proceeds of bonds issued and sold pursuant to Article 5 (commencing with Section 100700), the sum of seven hundred forty-five million eight hundred fifty-three thousand dollars (\$745,853,000) shall

be deposited in the 2002 Higher Education Capital Outlay Bond Fund for the purposes of this article. When appropriated, these funds shall be available for expenditure for the purposes of this article.

(b) The purposes of this article include assisting in meeting the capital outlay financing needs of the California Community Colleges.

(c) Proceeds from the sale of bonds issued and sold for the purposes of this article may be used to fund construction on existing campuses, including the construction of buildings and the acquisition of related fixtures, construction of facilities that may be used by more than one segment of public higher education (intersegmental), the renovation and reconstruction of facilities, site acquisition, the equipping of new, renovated, or reconstructed facilities, which equipment shall have an average useful life of 10 years; and to provide funds for the payment of preconstruction costs, including, but not limited to, preliminary plans and working drawings for facilities of the California Community Colleges.

Article 5. Higher Education Fiscal Provisions

100700. (a) Of the total amount of bonds authorized to be issued and sold pursuant to Chapter 1 (commencing with Section 100600), bonds in the total amount of one billion six hundred fifty million dollars (\$1,650,000,000), not including the amount of any refunding bonds issued in accordance with Section 100755, 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 chapter 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.

(b) It is the intent of the Legislature that the University of California, the California State University, and the California Community Colleges annually consider, as part of their annual capital outlay planning process, the inclusion of facilities that may be used by more than one segment of public higher education (intersegmental), and, that on or before May 15th of each year, those entities report their findings to the budget committees of each house of the Legislature.

(c) Pursuant to this section, the Treasurer shall sell the bonds authorized by the Higher Education Facilities Finance Committee established pursuant to Section 67353 at any different times necessary to service expenditures required by the apportionments.

100710. (a) 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, except Section 16727 of the Government Code, apply to the bonds and to this chapter and are hereby incorporated into this chapter as though set forth in full within this chapter.

(b) For the purposes of the State General Obligation Bond Law, each state agency administering an appropriation of the 2002 Higher Education Capital Outlay Bond Fund is designated as the “board” for projects funded pursuant to this chapter.

(c) The proceeds of the bonds issued and sold pursuant to this chapter shall be available for the purpose of funding aid to the University of California, the Hastings College of the Law, the California State University, and the California Community Colleges, for the construction on existing or new campuses, and their respective off-campus centers and joint use and intersegmental facilities, as set forth in this chapter.

100720. The Higher Education Facilities Finance Committee established pursuant to Section 67353 shall authorize the issuance of bonds under this chapter only to the extent necessary to fund the apportionments for the purposes described in this chapter that are expressly authorized by the Legislature in the annual Budget Act. Pursuant to that legislative direction, 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 purposes described 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.

100725. 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 which is necessary to collect that additional sum.

PROPOSITION 47 (cont.)

100730. 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 100745, appropriated without regard to fiscal years.

100735. The board, as defined in subdivision (b) of Section 100710, may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other approved form of interim financing, in accordance with Section 16312 of the Government Code, for the purpose 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 board, as defined in subdivision (b) of Section 100710, 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.

100740. Notwithstanding any other provision of this chapter, or of 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 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 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 this state.

100745. (a) For the purposes of carrying out this chapter, 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 Higher Education Facilities Finance Committee to be sold for the purpose of carrying out

this chapter. Any amounts withdrawn shall be deposited in the 2002 Higher Education Capital Outlay Bond Fund consistent with this chapter. 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 chapter.

(b) Any request forwarded to the Legislature and the Department of Finance for funds from this bond issue for expenditure for the purposes described in this chapter by the University of California, the Hastings College of the Law, the California State University, or the California Community Colleges shall be accompanied by the five-year capital outlay plan. Requests forwarded by a university or college shall include a schedule that prioritizes the seismic retrofitting needed to significantly reduce, in the judgment of the particular university or college, seismic hazards in buildings identified as high priority by the university or college. Requests forwarded by the California Community Colleges shall be accompanied by a five-year capital outlay plan reflecting the needs and priorities of the community college system, prioritized on a statewide basis.

100750. All money deposited in the 2002 Higher Education Capital Outlay Bond 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.

100755. 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.

100760. 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 48

This amendment proposed by Assembly Constitutional Amendment 15 of the 2001–2002 Regular Session (Resolution Chapter 88, Statutes of 2002) expressly amends the California Constitution by amending and repealing sections 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 ARTICLE VI

First—That Section 1 of Article VI is amended to read:

SEC. 1. The judicial power of this State is vested in the Supreme Court, courts of appeal, *and superior courts*, ~~and municipal courts~~, all of which are courts of record.

Second—That Section 5 of Article VI is repealed.

SEC. 5. (a) ~~Each county shall be divided into municipal court districts as provided by statute, but a city may not be divided into more than one district. Each municipal court shall have one or more judges. Each municipal court district shall have no fewer than 40,000 residents, provided that each county shall have at least one municipal court district. The number of residents shall be determined as provided by statute.~~

(b) ~~On the operative date of this subdivision, all existing justice courts shall become municipal courts, and the number, qualifications, and compensation of judges, officers, attaches, and employees shall continue until changed by the Legislature. Each judge of a part-time municipal court is deemed to have agreed to serve full time and shall be available for assignment by the Chief Justice for the balance of time necessary to comprise a full-time workload.~~

(c) ~~The Legislature shall provide for the organization and prescribe the jurisdiction of municipal courts. It shall prescribe for each municipal court the number, qualifications, and compensation of judges, officers, and employees.~~

(d) ~~Notwithstanding subdivision (a), any city in San Diego County may be divided into more than one municipal court district if the~~

~~Legislature determines that unusual geographic conditions warrant such division.~~

(e) ~~Notwithstanding subdivision (a), the municipal and superior courts shall be unified upon a majority vote of superior court judges and a majority vote of municipal court judges within the county. In those counties, there shall be only a superior court.~~

Third—That Section 6 of Article VI is amended to read:

SEC. 6. (a) The Judicial Council consists of the Chief Justice and one other judge of the Supreme Court, ~~3~~ *three* judges of courts of appeal, ~~5~~ *10* judges of superior courts, ~~5~~ *judges of municipal courts*, ~~2~~ *two* nonvoting court administrators, and ~~such~~ any other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice for a ~~3-year~~ *three-year* term pursuant to procedures established by the council; ~~4~~ *four* members of the State Bar appointed by its governing body for ~~3-year~~ *three-year* terms; and one member of each house of the Legislature appointed as provided by the house.

~~Vacancies in the memberships on the Judicial Council otherwise designated for municipal court judges shall be filled by judges of the superior court in the case of appointments made when fewer than 10 counties have municipal courts.~~

(b) Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

(c) The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or the Chief Justice, other than adopting rules of court administration, practice and procedure.

(d) To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. The rules adopted shall not be inconsistent with statute.

PROPOSITION 48 (cont.)

(e) The Chief Justice shall seek to expedite judicial business and to equalize the work of judges. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

(f) Judges shall report to the council as the Chief Justice directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Fourth—That Section 8 of Article VI is amended to read:

SEC. 8. (a) The Commission on Judicial Performance consists of one judge of a court of appeal, ~~one judge of a superior court, and one judge of a municipal court and two judges of superior courts~~, each appointed by the Supreme Court; ~~2~~ two members of the State Bar of California who have practiced law in this State for 10 years, each appointed by the Governor; and ~~6~~ six citizens who are not judges, retired judges, or members of the State Bar of California, ~~2~~ two of whom shall be appointed by the Governor, ~~2~~ two by the Senate Committee on Rules, and ~~2~~ two by the Speaker of the Assembly. Except as provided in subdivisions (b) and (c), all terms are for ~~4~~ four years. No member shall serve more than ~~2~~ four-year terms, or for more than a total of 10 years if appointed to fill a vacancy. ~~A vacancy in the membership on the Commission on Judicial Performance otherwise designated for a municipal court judge shall be filled by a judge of the superior court in the case of an appointment made when fewer than 10 counties have municipal courts.~~

(b) Commission membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy shall be filled by the appointing power for the remainder of the term. A member whose term has expired may continue to serve until the vacancy has been filled by the appointing power. Appointing powers may appoint members who are already serving on the commission prior to March 1, 1995, to a single ~~2-year~~ two-year term, but may not appoint them to an additional term thereafter.

(c) To create staggered terms among the members of the Commission on Judicial Performance, the following members shall be appointed, as follows:

(1) Two members appointed by the Supreme Court to a term commencing March 1, 1995, shall each serve a term of ~~2~~ two years and may be reappointed to one full term.

(2) One attorney appointed by the Governor to a term commencing March 1, 1995, shall serve a term of ~~2~~ two years and may be reappointed to one full term.

(3) One citizen member appointed by the Governor to a term commencing March 1, 1995, shall serve a term of ~~2~~ two years and may be reappointed to one full term.

(4) One member appointed by the Senate Committee on Rules to a term commencing March 1, 1995, shall serve a term of ~~2~~ two years and may be reappointed to one full term.

(5) One member appointed by the Speaker of the Assembly to a term commencing March 1, 1995, shall serve a term of ~~2~~ two years and may be reappointed to one full term.

(6) All other members shall be appointed to full ~~4-year~~ four-year terms commencing March 1, 1995.

Fifth—That Section 10 of Article VI is amended to read:

SEC. 10. The Supreme Court, courts of appeal, superior courts, and their judges have original jurisdiction in habeas corpus proceedings. Those courts also have original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition. The appellate division of the superior court has original jurisdiction in proceedings for extraordinary relief in the nature of mandamus, certiorari, and prohibition directed to the superior court in causes subject to its appellate jurisdiction.

Superior courts have original jurisdiction in all other causes ~~except those given by statute to other trial courts~~.

The court may make ~~such~~ any comment on the evidence and the testimony and credibility of any witness as in its opinion is necessary for the proper determination of the cause.

Sixth—That Section 15 of Article VI is amended to read:

SEC. 15. A person is ineligible to be a judge of a court of record unless for ~~5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts~~, the person has been a member of the State Bar or served as a judge of a court of record in

this State. ~~A judge eligible for municipal court service may be assigned by the Chief Justice to serve on any court.~~

Seventh—That Section 16 of Article VI is amended to read:

SEC. 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. Their terms are 12 years beginning the Monday after January 1 following their election, except that a judge elected to an unexpired term serves the remainder of the term. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, 8, and 12 years.

(b) ~~(1) In counties in which there is no municipal court, judges~~ Judges of superior courts shall be elected in their counties at general elections except as otherwise necessary to meet the requirements of federal law. In the latter case the Legislature, by two-thirds vote of the membership of each house thereof, with the advice of judges within the affected court, may provide for their election by the system prescribed in subdivision (d), or by any other arrangement. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

~~(2) In counties in which there is one or more municipal court districts, judges of superior and municipal courts shall be elected in their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.~~

(c) Terms of judges of superior courts are ~~6~~ six years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the second January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d)(1) Within 30 days before August 16 preceding the expiration of the judge's term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed to the office presently held by the judge. If the declaration is not filed, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether the candidate shall be elected. The candidate shall be elected upon receiving a majority of the votes on the question. A candidate not elected may not be appointed to that court but later may be nominated and elected.

(2) The Governor shall fill vacancies in those courts by appointment. An appointee holds office until the Monday after January 1 following the first general election at which the appointee had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

(3) Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

Eighth—That Section 23 of Article VI is amended to read:

SEC. 23. (a) The purpose of the amendments to Sections 1, 4, 5, 6, 8, 10, 11, and 16, of this article, and the amendments to Section 16 of Article I, approved at the June 2, 1998, primary election is to permit the Legislature to provide for the abolition of the municipal courts and unify their operations within the superior courts. Notwithstanding Section 8 of Article IV, the implementation of, and orderly transition under, the provisions of the measure adding this section may include urgency statutes that create or abolish offices or change the salaries, terms, or duties of offices, or grant franchises or special privileges, or create vested rights or interests, where otherwise permitted under this Constitution.

(b) When the superior and municipal courts within a county are unified, the judgeships in each municipal court in that county are abolished and the previously selected municipal court judges shall become judges of the superior court in that county. The term of office of a previously selected municipal court judge is not affected by taking office as a judge of the superior court. The 10-year membership or service requirement of Section 15 does not apply to a previously selected municipal court judge. Pursuant to Section 6, the Judicial Council may prescribe appropriate education and training for judges with regard to trial court unification.

(c) Except as provided by statute to the contrary, in any county in which the superior and municipal courts become unified, the following shall occur automatically in each preexisting superior and municipal court:

(1) Previously selected officers, employees, and other personnel who serve the court become the officers and employees of the superior court.

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- (2) Preexisting court locations are retained as superior court locations.
- (3) Preexisting court records become records of the superior court.
- (4) Pending actions, trials, proceedings, and other business of the court become pending in the superior court under the procedures previously applicable to the matters in the court in which the matters were pending.
- (5) Matters of a type previously within the appellate jurisdiction of the superior court remain within the jurisdiction of the appellate division of the superior court.

(6) Matters of a type previously subject to rehearing by a superior court judge remain subject to rehearing by a superior court judge, other than the judge who originally heard the matter.

(7) Penal Code procedures that necessitate superior court review of, or action based on, a ruling or order by a municipal court judge shall be performed by a superior court judge other than the judge who originally made the ruling or order.

(d) *This section shall remain in effect only until January 1, 2007, and as of that date is repealed.*



PROPOSITION 49

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 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

AFTER SCHOOL EDUCATION AND
SAFETY PROGRAM ACT OF 2002

SECTION 1. This act shall be known, and may be cited, as the "After School Education and Safety Program Act of 2002."

SEC. 2. The people find and declare all of the following:

(a) Studies by law enforcement and nonprofit organizations show that the after school hours between 3 p.m. and 6 p.m. on school days are the peak hours for children to become victims of violent crimes or to commit violent crimes themselves. The after school hours are also the peak hours for drug and alcohol use and car accidents involving children.

(b) Research shows after school programs have a major positive impact on society by making our streets safer, and reducing risk taking behavior such as alcohol, tobacco and drug use by teenagers.

(c) Studies by the University of California Los Angeles and the University of California Irvine of existing after school programs in California show the after school programs have a major positive impact on the education of our children by increasing school attendance, reducing suspensions, and improving standardized test scores.

(d) After school programs save taxpayer money by reducing crime, reducing health costs associated with drug and alcohol use, cutting grade repetition, and reducing the need for remedial education.

(e) After school programs help working families by providing their children a safe, educationally enriching place to go after school when there is no parent at home.

(f) School buildings, playgrounds, and other school facilities are a huge taxpayer investment, and they can and should be better utilized during before and after school hours, especially for after school programs for California's children.

(g) The After School Learning and Safe Neighborhoods Partnerships Program has successfully provided incentive grants for after school and nonschoolday programs that have proven to increase academic performance and to improve behavior of children, especially children at risk.

(h) Only a small portion of elementary and middle schools in California currently operate an after school program. With approximately 50 percent of California's children having either a single working parent, or two parents who both work, after school programs have become a necessity, not a luxury.

(i) Although new funding of after school programs is extremely important, revenues guaranteed by law for our public school system pursuant to Proposition 98 should first be fully appropriated and therefore not be used to increase the funding of these after school programs. The new funding for after school programs will therefore be funded above the legally required educational funding.

(j) And because there are essential, noneducation state programs that need continued funding, increasing funding for these after school programs should occur only after substantial growth in state revenues not guaranteed for education purposes.

SEC. 3. Therefore the people enact the After School Education and Safety Program Act to encourage schools and school districts to use school facilities and other appropriate locations to provide a safe and educationally enriching place for children in grades K through 9 to be when they are not in school and to accomplish the following specific purposes:

(a) To rename the After School Learning and Safe Neighborhoods Partnerships Program the After School Education and Safety Program (ASESP), but not to change its program operations under existing law and to continue to require a 50 percent match of local funding.

(b) To expand ASEP funding to a level sufficient to:

(1) First, fund all existing before and after school and nonschoolday grants.

(2) Second, make available universal after school incentive grants to every public (including charter) elementary, middle, and junior high school in California making an acceptable application.

(3) Third, increase funding for before and after school programs beyond current appropriations when more state revenue is available.

(c) To give priority for increased state funding to schools with predominantly low-income students from funds available once every eligible school has the opportunity to receive an initial universal after school grant.

(d) To add computer training, fine arts, and physical fitness programs to the educational/literacy and enrichment/recreational components of existing law.

(e) To solicit local law enforcement input in program development.

(f) To fund the expansion of state grants to schools for this program only out of growth in state revenues, instead of new taxes, and only after state revenues that are otherwise legally guaranteed to fund education programs have already been fully appropriated.

(g) To appropriate four hundred sixty-five million dollars (\$465,000,000) for new program expenditures above the existing statutory appropriation of eighty-five million dollars (\$85,000,000) for a total of five hundred fifty million dollars (\$550,000,000), much of which will be offset from savings expected from reduced costs in crime and education.

(h) To make sure this new four hundred sixty-five million dollar (\$465,000,000) appropriation is not an undue burden on other state programs, to provide a trigger to increase the eighty-five million dollar (\$85,000,000) appropriation in the 2004–05 fiscal year or later when and only if state revenues have grown sufficiently over the highest of the 2000–01, 2001–02, 2002–03, or 2003–04 fiscal years to provide more than one billion five hundred million dollars (\$1,500,000,000) in new appropriations not guaranteed for education purposes.

(i) To ensure each school gets the highest quality program possible, provide 1½ percent of the appropriation for the program for technical assistance and program evaluation.

SEC. 4. The heading of Article 22.5 (commencing with Section 8482) of Chapter 2 of Part 6 of the Education Code is amended to read:

Article 22.5. ~~Before and After School Learning and Safe Neighborhoods Partnerships Program~~
After School Education and Safety Program

SEC. 5. Section 8482 of the Education Code is amended to read:
8482. There is hereby established the *After School Education and Safety Program*. All references to it by its prior name, the Before and After School Learning and Safe Neighborhoods Partnerships Program, in this article and other state law shall now identify it by its new name. The purpose of this program is to create incentives for establishing locally driven before and after school enrichment programs both during schooldays and summer,

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intersession, or vacation days that partner public schools and communities to provide academic and literacy support and safe, constructive alternatives for youth. The term public school includes charter schools.

SEC. 6. Section 8482.3 of the Education Code is amended to read:

8482.3. (a) The ~~Before and After School Learning and Safe Neighborhoods Partnerships Program~~ After School Education and Safety Program shall be established to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schoolsites schools.

(b) A program may operate a before school component of a program, an after school component, or both the before and after school components of a program, on one or multiple schoolsites sites. If a program operates at multiple schoolsites sites, only one application shall be required for its establishment.

(c) Each component of a program established pursuant to this article shall consist of the following two components:

(1) An educational and literacy component whereby tutoring or homework assistance is provided in one or more of the following areas: language arts, mathematics, history and social science, computer training, or science.

(2) A component whereby educational enrichment, which may include, but need not be limited to, fine arts, recreation, physical fitness, and prevention activities, is provided.

(d) Applicants for programs established pursuant to this article may include any of the following:

(1) A local education agency, including a charter school.

(2) A city, county, or nonprofit organization in partnership with, and with the approval of, a local education agency or agencies.

(e) Applicants for grants pursuant to this article shall ensure that each of the following requirements is fulfilled, if applicable:

(1) The application documents the commitments of each partner to operate a program on that schoolsite site or schoolsites sites.

(2) The application has been approved by the school district and the principal of each schoolsite participating school for each schoolsite or other site.

(3) Each partner in the application agrees to share responsibility for the quality of the program.

(4) The application designates the public agency or local education agency partner to act as the fiscal agent. For purposes of this section, "public agency" means only a county board of supervisors or, where the city is incorporated or has a charter, a city council.

(5) Applicants agree to follow all fiscal reporting and auditing standards required by the State Department of Education.

SEC. 7. Section 8482.5 of the Education Code is amended to read:

8482.5. (a) Priority for funding programs established pursuant to this article, except those established pursuant to subdivision (c) of Section 8482.55, shall be given to schools where a minimum of 50 percent of the pupils in elementary schools and 50 percent of the pupils in middle and junior high schools are eligible for free or reduced-cost meals through the school lunch program of the United States Department of Agriculture.

(b) Every program established pursuant to this article shall be planned through a collaborative process that includes parents, youth, and representatives of participating schoolsites public schools, governmental agencies, such as city and county parks and recreation departments, local law enforcement, community organizations, and the private sector.

SEC. 8. Section 8482.55 is added to the Education Code, to read:

8482.55. (a) To accomplish the purposes of the After School Education and Safety Program, commencing with the fiscal year beginning July 1, 2004, and for each fiscal year thereafter, all grants made pursuant to this article shall be awarded as set forth in this section.

(b) Grants made to public schools pursuant to this article for the 2003–04 fiscal year shall continue to be funded in each subsequent fiscal year at the 2003–04 fiscal year level before any other grants are funded under this article, provided such schools continue to make application for such grants and are otherwise qualified pursuant to this article. Receipt of a grant at the 2003–04 fiscal year level made pursuant to this subdivision shall not affect a school's eligibility for additional grant funding as permitted in subdivisions (c) and (d) up to the maximum grants permitted in Sections 8483.7 and 8483.75.

(c) Every public elementary, middle, and junior high school in the state shall be eligible to receive a three year renewable incentive grant for after school programs to be operated during the regular school year, as provided in subparagraph (A) of paragraph (1) of subdivision (a) of Section 8483.7. Except as provided in this subdivision, grants for after school programs made pursuant to this subdivi-

sion shall be subject to all other sections of this article. Grants for after school programs made pursuant to this subdivision shall not exceed fifty thousand dollars (\$50,000) for each regular school year for each elementary school or seventy-five thousand dollars (\$75,000) for each regular school year for each middle or junior high school. Notwithstanding subdivision (a) of Section 8482.5 and except as provided in subdivision (f), every public elementary, middle, and junior high school in the state shall have equal priority of funding for grants for after school programs made pursuant to this subdivision. Receipt of a grant for an after school program made pursuant to this subdivision shall not affect a school's eligibility for additional grant funding as permitted in subdivision (d) up to the maximum grants permitted in Sections 8483.7 and 8483.75. Grants made pursuant to this subdivision shall be funded after grants made pursuant to subdivision (b) and before any grants made pursuant to subdivision (d). Grants made pursuant to this subdivision shall be referred to as "After School Education and Safety Universal Grants."

(d) All funds remaining from the appropriation provided in Section 8483.5 after award of grants pursuant to subdivisions (b) and (c) shall be distributed pursuant to Sections 8483.7 and 8483.75. Grants for programs made pursuant to this subdivision shall be subject to all other sections of this article. Priority for grants for programs made pursuant to this subdivision shall be established pursuant to subdivision (a) of Section 8482.5 and Section 8483.3.

(e) No school shall receive grants in excess of the amounts provided in Sections 8483.7 and 8483.75.

(f) In the event that in any fiscal year the appropriation made pursuant to Section 8483.5 shall be insufficient to fund all eligible schools who make application for After School Education and Safety Universal Grants pursuant to subdivision (c), priority for After School Education and Safety Universal Grants shall be established pursuant to subdivision (a) of Section 8482.5 and Section 8483.3.

SEC. 9. Section 8483.25 is added to the Education Code, to read:

8483.25. The State Department of Education shall provide notice to all schools eligible for grants under this article of the availability of such grants as well as the process for making application.

SEC. 10. Section 8483.5 of the Education Code is amended to read:

8483.5. (a) It is the intent of the Legislature that a minimum of eighty-five million dollars (\$85,000,000) be appropriated for the program established pursuant to this article, through the annual Budget Act. Of the funds appropriated for the program, current grant recipients have priority for receiving continued funding for the same purposes for which they previously received an award. This subdivision shall be in effect only until June 30, 2004.

(b) Commencing with the fiscal year beginning July 1, 2004, and for each fiscal year thereafter, there shall be continuously appropriated to the State Department of Education from the General Fund for the program established pursuant to this article an amount not to exceed five hundred fifty million dollars (\$550,000,000) that is the greater of (1) an amount equal to the appropriation from the General Fund for the program established pursuant to this article for the immediately preceding fiscal year, or (2) an amount equal to the sum of (A) the appropriation from the General Fund for the program established pursuant to this article for fiscal year 2003–04 and (B) the amount by which the state's non-guaranteed General Fund appropriations for the current fiscal year exceed the sum of (i) the amount of the state's non-guaranteed General Fund appropriations for the base year plus (ii) one billion five hundred million dollars (\$1,500,000,000). Nothing in this section prohibits the Legislature from appropriating funds for the program established pursuant to this article in excess of this continuous appropriation.

(c) For purposes of this section, the term "state's non-guaranteed General Fund appropriations" shall mean those General Fund appropriations of the state in a fiscal year other than those appropriations guaranteed to be applied by the state for the support of school districts and community college districts pursuant to Sections 8 and 8.5 of Article XVI of the California Constitution. For purposes of this section, the "base year" is the fiscal year during the period July 1, 2000 through June 30, 2004 for which the state's non-guaranteed General Fund appropriations are the highest as compared to any other fiscal year during such period.

(d) Notwithstanding subdivision (b), in any fiscal year in which the Legislature has legal authority pursuant to paragraph (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution to reduce the moneys applied by the state for the support of school districts and community college districts for the current fiscal year as compared to the moneys applied by the state for the support of school districts and community colleges during the immediately preceding fiscal year, the continuous appropriation pursuant to subdivision (b) shall be reduced for that fiscal year by the same percentage by which the moneys applied by the state for the support of school districts and community college districts in

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the current fiscal year is less than the moneys applied by the state for the support of school districts and community college districts during the immediately preceding fiscal year.

(e) All funds expended pursuant to this article shall be used only for the purposes expressed in this article. Except for funds expended pursuant to subdivision (b) of Section 8482.55, all funds expended pursuant to this article shall be used to supplement and not supplant existing levels of service.

SEC. 11. Section 8483.55 is added to the Education Code, to read:

8483.55. From the funds appropriated pursuant to subdivision (b) of Section 8483.5, the State Department of Education may spend 1½ percent to cover evaluation costs and to provide training and support to ensure quality program implementation, development, and sustainability and may pay its costs of awarding and monitoring grants.

SEC. 12. Section 8483.6 is added to the Education Code, to read:

8483.6. Notwithstanding subdivision (f) of Section 41202, in any fiscal year commencing with the fiscal year beginning July 1, 2004, that portion of any continuous appropriation made by Section 8483.5 for the program established pursuant to this article which is in excess of the amount appropriated for the program established pursuant to this article for the immediately preceding fiscal year shall not be appropriated until the Legislature has appropriated sums sufficient to fully fund the requirements of Sections 8 and 8.5 of Article XVI of the California Constitution for that year and shall be appropriated in addition to the sums required by, and shall not be considered towards fulfilling the funding requirements of, Sections 8 and 8.5 of Article XVI of the California Constitution for that fiscal year.

SEC. 13. Section 8484.6 of the Education Code is amended to read: 8484.6. (a) Programs established pursuant to this article may be conducted upon the grounds of a community park ~~or~~, recreational ~~area if the park or recreational area is adjacent to the schoolsite~~ facility, or other site as approved by the State Department of Education in the grant application process. Offsite programs shall align the educational and literacy component of the program with participating pupils' regular school programs. No program located off school grounds shall be approved unless safe transportation is provided to the pupils enrolled in the program. Any reference to schoolsite as a physical location in this article shall mean schoolsite or other site as provided by this section.

(b) An offsite program conducted pursuant to this section shall comply with all statutory and regulatory requirements that are applicable to similar programs conducted on the schoolsite.

SEC. 14. Except for Sections 8482.55, 8483.5, and 8483.6 of the Education Code, the After School Education and Safety Program Act of 2002 may be amended to further its purpose by statute, passed in each house by a majority vote of the membership concurring and signed by the Governor. Section 8482.55 of the Education Code may be amended to further the purpose of the After School Education and Safety Program Act of 2002 by statute, passed in each house by a two-thirds vote of the membership concurring and signed by the Governor. Sections 8483.5 and 8483.6 of the Education Code may not be amended by the Legislature.

SEC. 15. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



PROPOSITION 50

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 sections to the Water Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

WATER SECURITY, CLEAN DRINKING WATER,
COASTAL AND BEACH PROTECTION ACT OF 2002

SECTION 1. Division 26.5 (commencing with Section 79500) is added to the Water Code, to read:

DIVISION 26.5. WATER SECURITY,
CLEAN DRINKING WATER, COASTAL AND
BEACH PROTECTION ACT OF 2002

CHAPTER 1. GENERAL PROVISIONS

79500. This division shall be known and may be cited as the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

79501. The people of California find and declare that it is necessary and in the public interest to do all of the following:

(a) Secure and safeguard the integrity of the state's water supply from catastrophic damage or failure from terrorist acts or other deliberate acts of destruction.

(b) Provide a safe, clean, affordable, and sufficient water supply to meet the needs of California residents, farms, and businesses.

(c) Provide adequate financing for balanced implementation of the CALFED Bay-Delta Program to:

(1) Provide good water quality for all beneficial uses.

(2) Improve and increase aquatic and terrestrial habitats and improve ecological functions in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary to support sustainable populations of diverse plant and animal species.

(3) Reduce the mismatch between Bay-Delta water supplies and current and projected beneficial uses dependent on the Bay-Delta system.

(4) Reduce the risk to land uses and associated economic activities, water supply, infrastructure, and ecosystems from catastrophic breaching of Delta levees.

(d) Establish and facilitate integrated regional water management systems and procedures to meet increasing water demands due to significant population growth that is straining local infrastructure and water supplies.

(e) Improve practices within watersheds to improve water quality, reduce pollution, capture additional storm water runoff, protect and manage groundwater better, and increase water use efficiency.

(f) Protect urban communities from drought, increase supplies of clean drinking water, reduce dependence on imported water, reduce pollution of rivers, lakes, streams, and coastal waters, and provide habitat for fish and wildlife.

(g) Invest in projects that further the ability of all Californians to live within California's basic apportionment of 4.4 million acre-feet per year of Colorado River water pursuant to the Colorado River Water Use Plan.

(h) Protect, restore, and acquire beaches and coastal uplands, wetlands, and watershed lands along the coast and in San Francisco Bay to protect the quality of drinking water, to keep beaches and coastal waters safe from water pollution, and to provide the wildlife and plant habitat and riparian and wetlands areas needed to support functioning coastal and San Francisco Bay ecosystems for the benefit of the people of California.

79502. It is the intent of the people in enacting this division that it be administered and executed in the most expeditious manner possible, and that all state, regional and local officials implement this division to the fullest extent of their authority.

79503. It is the intent of the people that water facility projects financed pursuant to this division shall be designed and constructed so as to improve the security and safety of the state's drinking water system.

79504. It is the intent of the people that investment of public funds pursuant to this division should result in public benefits.

79505. As used in this division, the following terms shall have the following meanings:

(a) "Acquisition" means the acquisition of a fee interest or any other interest, including easements, leases, and development rights.

(b) "Board" means the State Water Resources Control Board.

(c) "CALFED" means the consortium of state and federal agencies with management and regulatory responsibilities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

(d) "CALFED Bay-Delta Program" means the undertaking by CALFED to develop and implement, by means of the final programmatic environmental impact statement/environmental impact report, the preferred programs, actions, projects, and related activities that will provide solutions to identified problem

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areas related to the San Francisco Bay/Sacramento-San Joaquin Delta Estuary ecosystem, including but not limited to the Bay-Delta and its tributary watersheds.

(e) "Department" means the Department of Water Resources.

(f) "Fund" means the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 created pursuant to Section 79510.

(g) "Nonprofit organization" means any nonprofit corporation formed pursuant to the Nonprofit Public Benefit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code) and qualified under Section 501(c)(3) of the United States Internal Revenue Code.

(h) "Secretary" means the Secretary of the Resources Agency.

(i) "Wetlands" means lands that may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens, and vernal pools.

79506. Every proposed activity to be financed pursuant to this division shall be in compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000)) of the Public Resources Code.

79507. Watershed protection activities financed pursuant to this division shall be consistent with the applicable adopted local watershed management plan and the applicable regional water quality control plan adopted by the regional water quality control board.

79508. Watershed protection activities in the San Gabriel and Los Angeles River watersheds shall be consistent with the San Gabriel and Los Angeles River Watershed and Open Space Plan as adopted by the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and the Santa Monica Mountains Conservancy. Notwithstanding any other provision of law, this plan shall be implemented pursuant to Division 23 (commencing with Section 33000) of the Public Resources Code in the watershed of the Los Angeles River upstream of the northernmost boundary of the City of Vernon and pursuant to Division 22.8 (commencing with Section 32600) of the Public Resources Code in the San Gabriel River and in the lower Los Angeles River watershed.

79509. Except for projects financed pursuant to Chapter 6 (commencing with Section 79545) or Chapter 10 (commencing with Section 79570), to be eligible to be financed pursuant to this division, any project that will wholly or partially assist in the fulfillment of one or more of the goals of the CALFED Bay-Delta Program shall be consistent with the CALFED Programmatic Record of Decision, and shall be implemented, to the maximum extent possible, through local and regional programs.

CHAPTER 2. THE WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION FUND OF 2002

79510. The Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 is hereby created.

79511. All money deposited in the fund shall be used only for the purposes and in the amounts set forth in this division and for no other purpose.

79512. Except as otherwise expressly provided in this division, upon a finding by the agency authorized to administer or expend money appropriated from the fund that a particular project or program for which money has been allocated or granted cannot be completed, or that the amount that was appropriated, allocated, or granted is in excess of the total amount needed, the Legislature may reappropriate the money for other high priority needs consistent with this division.

CHAPTER 3. WATER SECURITY

79520. The sum of fifty million dollars (\$50,000,000) shall be available for appropriation by the Legislature from the fund for the purpose of protecting state, local, and regional drinking water systems from terrorist attack or deliberate acts of destruction or degradation. This money may be expended or granted for monitoring and early warning systems, fencing, protective structures, contamination treatment facilities, emergency interconnections, communications systems, and other projects designed to prevent damage to water treatment, distribution, and supply facilities, to prevent disruption of drinking water deliveries, and to protect drinking water supplies from intentional contamination.

79521. The Legislature may enact such legislation as is necessary to implement this chapter.

CHAPTER 4. SAFE DRINKING WATER

79530. (a) The sum of four hundred thirty-five million dollars (\$435,000,000) shall be available for appropriation by the Legislature from the fund to the State Department of Health Services for grants and loans for infra-

structure improvements and related actions to meet safe drinking water standards including, but not limited to, the following types of projects:

(1) Grants to small community drinking water systems to upgrade monitoring, treatment, or distribution infrastructure.

(2) Grants to finance development and demonstration of new technologies and related facilities for water contaminant removal and treatment.

(3) Grants for community water quality monitoring facilities and equipment.

(4) Grants for drinking water source protection.

(5) Grants for treatment facilities necessary to meet disinfectant by-product safe drinking water standards.

(6) Loans pursuant to 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) Not less than 60 percent of the money appropriated pursuant to this section shall be available for grants to Southern California water agencies to assist in meeting the state's commitment to reduce Colorado River water use to 4.4 million acre feet per year.

79531. The Legislature may enact such legislation as is necessary to implement this chapter.

CHAPTER 5. CLEAN WATER AND WATER QUALITY

79540. (a) The sum of one hundred million dollars (\$100,000,000) shall be available for appropriation by the Legislature from the fund to the board for competitive grants for the following purposes:

(1) Water pollution prevention.

(2) Water reclamation.

(3) Water quality improvement.

(4) Water quality blending and exchange projects.

(5) Drinking water source protection projects.

(6) Projects to mitigate pathogen risk from recreational uses at drinking water storage facilities.

(b) Priority shall be given to projects that assist in meeting water quality standards established by the board.

(c) The Legislature may enact such legislation as is necessary to implement this section.

79541. The sum of one hundred million dollars (\$100,000,000) shall be available for appropriation by the Legislature from the fund to the secretary for the acquisition from willing sellers, restoration, protection, and development of river parkways. The secretary shall allocate this money in accordance with Article 6 (commencing with Section 78682) of Chapter 6 of Division 24 or pursuant to any other statute that provides for the acquisition, restoration, protection, and development of river parkways. Priority shall be given to projects that are implemented pursuant to approved watershed plans and include water quality and watershed protection benefits. This money may also be used to acquire facilities necessary to provide flows to improve water quality downstream.

79542. The sum of forty million dollars (\$40,000,000) shall be available for appropriation by the Legislature from the fund to the California Tahoe Conservancy for acquisition from willing sellers, restoration, and protection of land and water resources to improve water quality in Lake Tahoe.

79543. The sum of one hundred million dollars (\$100,000,000) shall be available for appropriation by the Legislature from the fund to the board for the purpose of financing projects that restore and protect the water quality and environment of coastal waters, estuaries, bays and near-shore waters, and groundwater. All expenditures, grants, and loans made pursuant to this section shall be consistent with the requirements of Article 5 (commencing with Section 79148) of Chapter 7 of Division 26. Not less than twenty million dollars (\$20,000,000) shall be expended to implement priority actions specified in the Santa Monica Bay Restoration Plan. Money made available pursuant to this section shall supplement, not supplant, money appropriated or available pursuant to that Article 5 (commencing with Section 79148), and no money appropriated pursuant to this section shall be used for a project for which an appropriation was made pursuant to that Article 5 (commencing with Section 79148).

79544. The sum of thirty million dollars (\$30,000,000) shall be available for appropriation by the Legislature from the fund to the secretary for the purpose of grants to local public agencies, local water districts, and nonprofit organizations for acquisition from willing sellers of land and water resources to protect water quality in lakes, reservoirs, rivers, streams and wetlands in the Sierra Nevada-Cascade Mountain Region as defined in Section 5096.347 of the Public Resources Code.

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CHAPTER 6. CONTAMINANT AND SALT
REMOVAL TECHNOLOGIES

79545. The sum of one hundred million dollars (\$100,000,000) shall be available for appropriation by the Legislature from the fund to the department for grants for the following projects:

(a) Desalination of ocean or brackish waters. Not less than fifty million dollars (\$50,000,000) of the money appropriated by this chapter shall be available for desalination projects. To be eligible to receive a grant, at least 50 percent of the total cost of the project shall be met by matching funds or donated services from non-state sources.

(b) Pilot and demonstration projects for treatment or removal of the following contaminants:

- (1) Petroleum products, such as MTBE and BTEX.
- (2) N-Nitrosodimethylamine (NDMA).
- (3) Perchlorate.
- (4) Radionuclides, such as radon, uranium, and radium.
- (5) Pesticides and herbicides.
- (6) Heavy metals, such as arsenic, mercury, and chromium.
- (7) Pharmaceuticals and endocrine disrupters.

(c) Drinking water disinfecting projects using ultraviolet technology and ozone treatment.

79546. The Legislature may enact such legislation as is necessary to implement this chapter.

CHAPTER 7. CALFED BAY-DELTA PROGRAM

79550. The sum of eight hundred twenty-five million dollars (\$825,000,000) shall be available for appropriation by the Legislature from the fund for the balanced implementation of the CALFED Bay-Delta Program. Expenditures and grants pursuant to this chapter shall be limited to the following:

(a) Fifty million dollars (\$50,000,000) for surface water storage planning and feasibility studies.

(b) Seventy-five million dollars (\$75,000,000) for the water conveyance facilities described in subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(c) Seventy million dollars (\$70,000,000) for Delta levee restoration. Money expended pursuant to this subdivision shall be subject to Section 79050.

(d) One hundred eighty million dollars (\$180,000,000) for water supply reliability projects that can be implemented expeditiously and thereby provide near-term benefits, including, but not limited to, projects that facilitate groundwater management and storage, water transfers, and acquisition of water for the CALFED environmental water account. In acquiring water, preference shall be given to long-term water purchase contracts and water rights. Money allocated pursuant to this subdivision shall be subject to Article 4 (commencing with Section 79205.2) of Chapter 9 of Division 26.

(e) One hundred eighty million dollars (\$180,000,000) for ecosystem restoration program implementation of which not less than twenty million dollars (\$20,000,000) shall be allocated for projects that assist farmers in integrating agricultural activities with ecosystem restoration.

(f) Ninety million dollars (\$90,000,000) for watershed program implementation.

(g) One hundred eighty million dollars (\$180,000,000) for urban and agricultural water conservation, recycling, and other water use efficiency projects.

79551. All appropriations pursuant to this chapter shall include money for independent scientific review, monitoring, and assessment of the results or effectiveness of the project or program expenditure.

79552. All projects financed pursuant to this chapter shall be consistent with the CALFED Programmatic Record of Decision including its provisions regarding finance and balanced implementation.

79553. Consistent with the CALFED Programmatic Record of Decision, priority shall be given to projects that achieve multiple benefits across CALFED program elements. Not more than 5 percent of the money available pursuant to this chapter may be used for administrative costs.

79554. All real property acquired with money appropriated or granted pursuant to subdivision (e) or (f) of Section 79550 shall be acquired from willing sellers.

CHAPTER 8.
INTEGRATED REGIONAL WATER MANAGEMENT

79560. The sum of five hundred million dollars (\$500,000,000) shall be available for appropriation by the Legislature from the fund for competitive grants

for projects set forth in this section to protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water. No project financed pursuant to this section shall include an on-stream surface water storage facility or an off-stream surface water storage facility other than percolation ponds for groundwater recharge in urban areas. No river or stream channel modification project whose construction or operation causes any negative environmental impacts may be financed pursuant to this chapter unless those impacts are fully mitigated.

79561. Money appropriated in Section 79560 shall be available for grants for water management projects that include one or more of the following elements:

(a) Programs for water supply reliability, water conservation, and water use efficiency.

(b) Storm water capture, storage, treatment, and management.

(c) Removal of invasive non-native plants, the creation and enhancement of wetlands, and the acquisition, protection, and restoration of open space and watershed lands.

(d) Non-point source pollution reduction, management, and monitoring.

(e) Groundwater recharge and management projects.

(f) Contaminant and salt removal through reclamation, desalting, and other treatment technologies.

(g) Water banking, exchange, reclamation, and improvement of water quality.

(h) Planning and implementation of multipurpose flood control programs that protect property; and improve water quality, storm water capture and percolation; and protect or improve wildlife habitat.

(i) Watershed management planning and implementation.

(j) Demonstration projects to develop new drinking water treatment and distribution methods.

79562. An amount, not to exceed 10 percent of the money available for appropriation in Section 79560, may be appropriated by the Legislature for facilities, equipment, and other expenses associated with the establishment of comprehensive statewide groundwater monitoring pursuant to Part 2.76 (commencing with Section 10780) of Division 6.

79563. At least 50 percent of the amount available for appropriation in Section 79560 shall be appropriated to the board. The board shall establish procedures for selecting among eligible projects specified in Section 79561 that use the procedures developed by the board for stakeholder-based accelerated selection and contracting pursuant to Section 79104.32.

79564. To be eligible for financing pursuant to Section 79563, a project shall meet both of the following criteria:

(a) The project is consistent with an adopted integrated water management plan designed to improve regional water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, recreation and access, wetlands enhancement and creation, and environmental and habitat protection and improvement.

(b) The project includes matching funds or donated services from non-state sources.

79565. Notwithstanding Section 13340 of the Government Code, the sum of one hundred forty million dollars (\$140,000,000) is hereby continuously appropriated from the fund to the Wildlife Conservation Board, without regard to fiscal years, for expenditure by the board and for grants, for the acquisition from willing sellers of land and water resources, including the acquisition of conservation easements, to protect regional water quality, protect and enhance fish and wildlife habitat, and to assist local public agencies in improving regional water supply reliability.

CHAPTER 9. COLORADO RIVER

79567. The sum of twenty million dollars (\$20,000,000) shall be available for appropriation by the Legislature from the fund to the department for grants for canal lining and related projects necessary to reduce Colorado River water use pursuant to the California Colorado River Water Use Plan adopted by the Colorado River Board of California.

79568. (a) The sum of fifty million dollars (\$50,000,000) shall be available for appropriation by the Legislature from the fund to the Wildlife Conservation Board for the acquisition, protection, and restoration of land and water resources necessary to meet state obligations for regulatory requirements related to California's allocation of water supplies from the Colorado River. No money allocated pursuant to this section may be used to supplant or pay for the regulatory mitigation obligations of private parties under state or federal law.

(b) All real property acquired pursuant to this section shall be acquired from willing sellers.

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CHAPTER 10. COASTAL WATERSHED
AND WETLAND PROTECTION

79570. The sum of two hundred million dollars (\$200,000,000) shall be available for appropriation by the Legislature from the fund for expenditures and grants for the purpose of protecting coastal watersheds, including, but not limited to, acquisition, protection, and restoration of land and water resources and associated planning, permitting, and administrative costs, in accordance with the following schedule:

(a) The sum of one hundred twenty million dollars (\$120,000,000) to the State Coastal Conservancy for coastal watershed protection pursuant to Division 21 (commencing with Section 31000) of the Public Resources Code.

(b) The sum of twenty million dollars (\$20,000,000) to the State Coastal Conservancy for expenditure for the San Francisco Bay Conservancy Program for coastal watershed protection pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21 of the Public Resources Code.

(c) The sum of forty million dollars (\$40,000,000) to the Santa Monica Mountains Conservancy. Twenty million dollars (\$20,000,000) of this sum shall be expended for protection of the Los Angeles River watershed upstream of the northernmost boundary of the City of Vernon, and twenty million dollars (\$20,000,000) shall be expended for protection of the Santa Monica Bay and Ventura County coastal watersheds, pursuant to Division 23 (commencing with Section 33000) of the Public Resources Code.

(d) The sum of twenty million dollars (\$20,000,000) to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for protection of the San Gabriel and lower Los Angeles River watersheds pursuant to Division 22.8 (commencing with Section 32600) of the Public Resources Code.

79571. Ten percent of the money allocated in each of the categories in Section 79570 shall be used for grants for the acquisition and development of facilities to promote public access to and participation in the conservation of land, water, and wildlife resources. Eligible projects include, but are not limited to, the following:

(a) Training and research facilities for watershed protection and water conservation activities conducted by nonprofit organizations. Priority shall be given to projects operated by nonprofit organizations in collaboration with the University of California and public water agencies.

(b) Nature centers that are in or adjacent to watersheds and wetlands identified for protection pursuant to this chapter, that provide wildlife viewing, outdoor experiences, and conservation education programs to the public and to students. Priority shall be given to projects that are operated by or in cooperation with nonprofit organizations and are designed to serve children from urban areas that lack access to natural areas and outdoor education programs.

79572. (a) Notwithstanding Section 13340 of the Government Code, the sum of seven hundred fifty million dollars (\$750,000,000) is hereby continuously appropriated from the fund to the Wildlife Conservation Board, without regard to fiscal years, for the acquisition, protection, and restoration of coastal wetlands, upland areas adjacent to coastal wetlands, and coastal watershed lands. Money appropriated pursuant to this section shall be for the acquisition, protection, and restoration of lands in or adjacent to urban areas. Eligible projects shall be limited to the following:

(1) Acquisition, protection, and restoration of coastal wetlands identified in the Southern California Coastal Wetlands Inventory as of January 1, 2001, published by the State Coastal Conservancy, located within the coastal zone, and other wetlands connected and proximate to such coastal wetlands, and upland areas adjacent and proximate to such coastal wetlands, or coastal wetlands identified for acquisition, protection, and restoration in the San Francisco Baylands Ecosystem Habitat Goals Report, and upland areas adjacent to the identified wetlands.

(2) Acquisition, protection, and restoration of coastal watershed and adjacent lands located in Los Angeles, Ventura, and Santa Barbara Counties. Any project financed pursuant to this paragraph within the Santa Monica Mountains Zone, as defined in Section 33105 of the Public Resources Code, shall be by grant from the Wildlife Conservation Board to the Santa Monica Mountains Conservancy. Any project financed pursuant to this paragraph within the Baldwin Hills area, as defined in Section 32553 of the Public Resources Code, shall be by grant from the Wildlife Conservation Board to the Baldwin Hills Conservancy.

(b) Not less than three hundred million dollars (\$300,000,000) of the amount appropriated in this section shall be expended or granted for projects within Los Angeles and Ventura Counties. Of the remaining funds available pursuant to this section the Wildlife Conservation Board shall give priority to the acquisi-

tion of not less than 100 acres consisting of upland mesa areas, including wetlands therein, adjacent to the state ecological reserve in the Bolsa Chica wetlands in Orange County.

(c) Not more than two hundred million dollars (\$200,000,000) of the amount appropriated in this section may be expended or granted for projects in the San Francisco Bay area, as described in Section 31162 of the Public Resources Code. Any project within the San Francisco Bay area may be by grant from the Wildlife Conservation Board to the State Coastal Conservancy.

79573. (a) The purchase price for each acquisition made pursuant to Section 79572 shall not exceed the fair market value of the property as defined in Section 1263.320 of the Code of Civil Procedure. Fair market value shall be determined by an appraisal that is prepared by a licensed real estate appraiser and approved by the Wildlife Conservation Board and the Department of General Services.

(b) All real property acquired pursuant to this chapter shall be acquired from willing sellers.

CHAPTER 11. FISCAL PROVISIONS

79580. Bonds in the total amount of three billion four hundred forty million dollars (\$3,440,000,000), not including the amount of any refunding bonds issued in accordance with Section 79588, or so much thereof as is necessary, may be issued and sold to be used for carrying out the purposes set forth 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 bond proceeds shall be deposited in the Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002 created by Section 79510. The bonds shall, when sold, 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 the bonds as they become due and payable.

79581. 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), and all provisions of that law shall apply to the bonds and to this division and are hereby incorporated in this division by this reference as though fully set forth in this division.

79582. (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 division, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 Finance Committee is hereby created. For purposes of this division, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 Finance Committee is "the committee" as that term is used by the State General Obligation Bond Law. The committee shall consist 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 this chapter and the State General Obligation Bond Law, the secretary is designated as "the board."

79583. 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.

79584. There shall be collected annually 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 so and perform each and every act that is necessary to collect that additional sum.

79585. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund, for purposes of this division, 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 division, as the principal and interest become due and payable.

(b) The sum which is necessary to carry out the provisions of Section 79586, appropriated without regard to fiscal years.

79586. For the purposes of carrying out this division, 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

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to be sold for the purpose of carrying out this division. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from money received from the sale of bonds that would otherwise be deposited in that fund.

79587. All money derived from premium and accrued interest on bonds sold shall be reserved and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

79588. Any bonds issued or sold pursuant to this division 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 4 of Title 2 of the Government Code. Approval by the electors of the state for the issuance of the

bonds shall include approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds.

79589. The people of California hereby find and declare 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 limitation imposed by that article.

SEC. 2. If any provision of this act or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

**PROPOSITION 51**

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 various codes; 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. The People of the State of California find and declare all of the following:

(a) Traffic congestion threatens to strangle economic growth in many parts of California. It threatens our safety, reduces productivity, impairs family life, restricts the movement of people, goods, and services, and is a source of endless frustration to motorists and other travelers.

(b) There are more than 1,000 unsafe school buses that do not meet federal safety standards operating in California today. There are an additional 6,500 school buses that are so old that they expose our children to toxic air pollution. By providing funds to school districts for school bus replacement, the districts will be able to take more children to and from school, reducing the trips parents need to make. This will provide cleaner air and reduce traffic congestion.

(c) Reducing highway bottlenecks will reduce traffic congestion.

(d) Public transportation can reduce traffic congestion by giving people an alternative to driving.

(e) The existing state share of the sales tax paid on the sale and lease of motor vehicles is an appropriate source of revenue to pay for transportation-related improvements because the purchasers and lessees of motor vehicles will directly benefit from all the programs financed by this act.

(f) Assuring the wider availability of public transportation for those who cannot drive due to age, disability, or economic circumstance is good public policy, and will promote economic development and individual self-sufficiency.

(g) Transportation-related accidents are a significant cause of death, injury, and property damage. Children walking and taking bicycles to school must have safe walkways, paths, and bikeways. By making roads safer for pedestrians, bicyclists, and motorists, economic loss will be reduced, and the health and safety of Californians will be improved.

(h) By promoting the continued and expanded use of railroads for the more efficient movement of passengers and freight, traffic congestion and air pollution will be reduced.

(i) Air pollution generated by transportation is a serious health threat to most people in California. Technologies exist and are being developed that can reduce this air pollution, and they urgently need financial support for their implementation. Water pollution generated from roadway runoff and transportation related development must also be controlled, to reduce contamination of drinking water supplies and coastal waters.

(j) The impact of transportation on the natural environment can be severe, and it is appropriate to use public revenues that are related to transportation to reduce or eliminate these impacts through an environmental enhancement program similar to the Environmental Enhancement and Mitigation Program.

(k) Providing security for passengers using public transportation is a necessary part of our transportation infrastructure, encouraging ridership, protecting public safety, and expanding transportation options.

(l) It is the intent of the people in adopting this measure that it not result in reduced funding for public education. The voters recognize that the General Fund revenues that are counted for the purpose of determining the minimum guaranteed funding for schools and community college districts under Section 8 of Article XVI of the California Constitution cannot be decreased by statute.

(m) This measure may be known and cited as the Traffic Congestion Relief and Safe School Bus Act.

SEC. 2. Section 7105 is added to the Revenue and Taxation Code, to read:

7105. (a) All of the following shall occur on a quarterly basis:

(1) The State Board of Equalization, in consultation with the Department of Finance and the Department of Motor Vehicles, shall estimate the amount that is transferred to the General Fund under subdivision (b) of Section 7102 that is attributable to revenue collected for the sale and lease of new and used motor vehicles. For purposes of this section, "sale and lease" does not include rental of motor vehicles.

(2) The State Board of Equalization shall inform the Controller, in writing, of the amount estimated under paragraph (1).

(3) Upon receipt of the notice required under paragraph (2), the Controller shall transfer thirty percent (30%) of the amount estimated under paragraph (1) from the General Fund to the Traffic Congestion Relief and Safe School Bus Trust Fund (hereinafter referred to as the "fund"), which is hereby established in the State Treasury.

(b) Notwithstanding Section 13340 of the Government Code, the following percentages and specified amounts of the money in the fund shall be continuously appropriated to the Controller without regard to fiscal years, and shall be transferred by the Controller to the following accounts, which are hereby established in the fund:

(1) Sixteen percent (16%) to the Congestion Bottleneck Account, for transfer by the Controller to the California Transportation Commission, to be expended as follows:

(A)(i) To the Traffic Congestion Relief Fund for the projects listed in Section 14556.40 of the Government Code. Any money transferred under this paragraph and not expended during the fiscal year during which it was transferred shall revert to the Congestion Bottleneck Account and shall be available for reallocation in accordance with subparagraph (B).

(ii) The California Transportation Commission may adjust the total amount to be allocated to each project listed in Section 14556.40 of the Government Code pursuant to the authority conferred in subdivision (f) of Section 14556.20 of the Government Code. Money shall be transferred quarterly to the Traffic Congestion Relief Fund from the Congestion Bottleneck Account in such amounts as are needed in the aggregate for reimbursing each applicant the cost of the current phase of the project, in accordance with the schedule of allocations for each project approved by the California Transportation Commission pursuant to Section 14556.20 of the Government Code. Applicants, including the Department of Transportation, for grants from the Traffic Congestion Relief Fund shall demonstrate in the application that they have made the maximum effort to seek local, private, and federal funds to assist in the completion of these projects. If only a study or a specific part or phase of a project is authorized for a project listed in subdivision (a) of Section 14556.40 of the Government Code, only the study or the specific part or phase shall be financed, and no other part or phase of the project shall be financed from this account. Grants shall be made pursuant to this paragraph only for studies for projects listed in paragraphs (6), (12),

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(15), (22), (25), (114), (121), and (154) of subdivision (a) of Section 14556.40 of the Government Code.

(iii) Prior to making the allocations pursuant to clause (i), the commission shall allocate two million dollars (\$2,000,000) per year from the account for a competitive local assistance program for the preparation of alternative planning scenarios pursuant to Section 65080.3 of the Government Code. Only regional transportation planning agencies may apply for grants, and grants shall be awarded on the basis of compliance with Section 65080.3 of the Government Code.

(B)(i) Any money reverted to the Congestion Bottleneck Account under subparagraph (A) shall be reallocated by the commission for expenditure on state, regional, or local highway and street projects that improve the flow of traffic within an existing publicly owned roadway by adding high-occupancy vehicle or high-occupancy toll lanes where none is present, or accomplishing other, similar traffic flow improvement projects, such as truck climbing lanes, within existing roadways.

(ii) All money expended pursuant to this subparagraph (B) shall be expended within the city limits of cities, or within urbanized parts of counties that have population densities of not less than 1,000 persons per square mile.

(iii) Sixty percent (60%) of the money reallocated pursuant to this subparagraph (B) shall be expended in County Group 2 and forty percent (40%) shall be expended in County Group 1.

(C) Notwithstanding the requirements of subparagraphs (A) and (B), money in the Congestion Bottleneck Account shall first be allocated to the following projects:

(i) To the local transportation improvement agency with zoning and land use authority over the following designated area, ten million dollars (\$10,000,000) per year during the 2003–04 to 2011–12, inclusive, fiscal years for highway, roadway, and street infrastructure improvements that improve motorist and pedestrian safety and reduce traffic congestion and traffic congestion bottlenecks in the area generally bounded by Campus Drive, State Route 55 (the Costa Mesa Freeway), Harvard Avenue, and Barranca Parkway. Design and construction shall be carried out by the jurisdiction within which each project is located.

(ii) To the City and County of San Francisco Golden Gate Park Concourse Authority, ten million dollars (\$10,000,000) per year during the 2003–04 to 2006–07, inclusive, fiscal years for the construction of improvements in the Music Concourse area of Golden Gate Park, within which the California Academy of Sciences and the M. H. de Young Memorial Museum are situated, in accordance with the provisions of Proposition J, approved by the voters of the City and County of San Francisco on June 2, 1998. Improvements to the Concourse shall enhance the natural, scenic, and recreational values of the Park and, in coordination with other Concourse-area improvement projects, this money may be used for transportation, bus parking, area parking management, and environmental improvements that will reduce the impact of automobiles in Golden Gate Park while assuring safe, reliable, and convenient access for visitors to the park. This money may not be used for design or construction of the underground parking facility.

(iii) To the City of Irvine, ten million dollars (\$10,000,000) per year during the 2003–04 to 2007–08, inclusive, fiscal years for the development, construction (including construction of parking structures), and acquisition and operation of remote airport terminals, and the acquisition of vehicles for the system, connecting the City of Irvine to Los Angeles International Airport, Santa Ana John Wayne International Airport, Long Beach Airport, Ontario International Airport, and other airports in Southern California.

(iv) To the Department of Transportation, twelve million five hundred thousand dollars (\$12,500,000) per year during the 2003–04 to 2009–10, inclusive, fiscal years for improvements needed to extend the Highway 110 Transitway from its existing northerly terminus to Los Angeles Union Station via a northern extension to Interstate 10, easterly to Alameda Street, and northerly along Alameda Street to an interface with the existing El Monte Busway terminus at Los Angeles Union Station.

(v) To the Department of Transportation, five million dollars (\$5,000,000) for the 2003–04 fiscal year for the construction of a new interchange to replace an existing interchange with seismic deficiencies on Interstate 5 at Laval Road.

(vi) To the City of Laguna Woods, two million dollars (\$2,000,000) for the 2003–04 fiscal year to improve the flow of traffic along El Toro Road. This money may be used to acquire rights-of-way, make modifications to streets and roads, move median strips, improve lighting, install and modify traffic signals, and for other improvements to make the route safe and convenient. This money may also be used for the development of an alternative vehicle route along El Toro Road, suitable for bicycles, golf carts, electric scooters, pedestrians, and other forms of non-motorized vehicle transportation.

(vii) To the Department of Transportation, thirteen million seven hundred thousand dollars (\$13,700,000) during the 2004–05 to 2013–14, inclusive, fiscal years, for design, right-of-way acquisition, and construction of connections between State Route 56 and Interstate 5, including related improvements on Interstate 5, with first priority for expenditures given to ramps for westbound State Route 56 connecting with Interstate 5 north and Interstate 5 south connecting with eastbound State Route 56. The project will facilitate the improvement of traffic through the I-5/I-805 merge.

(viii) To the Department of Transportation, two million dollars (\$2,000,000) per year during the 2004–05 to 2006–07, inclusive, fiscal years for design and environmental review of High Occupancy Vehicle lanes and truck lanes on Interstate 5 between State Route 14 and State Route 126.

(ix) To the City of Santa Clarita, four million five hundred thousand dollars (\$4,500,000) per year during the 2003–04, 2004–05, and 2008–09 fiscal years for right-of-way acquisition and construction costs for the I-5/SR-126 (Magic Mountain Parkway) interchange and associated relocation and widening of The Old Road and State Route 126 from I-5 to McBean Parkway.

(x) To the Department of Transportation, two million five hundred thousand dollars (\$2,500,000) per year during the 2003–04 to 2005–06, inclusive, fiscal years for right-of-way acquisition and construction costs for the I-5/SR-126 (Magic Mountain Parkway) interchange and associated widening of SR-126 and improvement of the Commerce Center Drive interchange with State Route 126. Design and construction shall be carried out by the jurisdiction within which each project is located.

(xi) To the County of Los Angeles, three million dollars (\$3,000,000) per year during the 2003–04 and 2004–05 fiscal years for right-of-way acquisition and construction costs for Interstate 5/Hasley Canyon Road interchange.

(xii) To the Department of Transportation, ten million dollars (\$10,000,000) per year during the 2003–04 to 2010–11, inclusive, fiscal years for implementation of congestion relief projects along U.S. 101 between State Route 23 and State Route 170 recommended pursuant to the corridor analysis authorized by paragraph (48) of subdivision (a) of Section 14556.40 of the Government Code.

(xiii) To the Department of Transportation, five million dollars (\$5,000,000) per year during the 2003–04 to 2004–05, inclusive, fiscal years for implementation of an Intelligent Transportation Systems (ITS) program, specifically including advanced traffic signal control systems, transit signal intervention systems, shuttle system linkage to existing light rail transit stations and educational and employment centers, in the area bounded by Interstate 710, Interstate 405, Interstate 605, and State Route 91. The implementation of this ITS program shall be in partnership with California State University Long Beach and its transportation technology section, and the Transportation Program at Long Beach City College campus.

(xiv) To the City of La Cañada-Flintridge, five million dollars (\$5,000,000) per year during the 2003–04 to 2004–05, inclusive, fiscal years for local funding of state highway soundwalls, pursuant to Section 215.6 of the Streets and Highways Code, located on the eastbound and westbound sides of Interstate 210 in La Cañada-Flintridge and listed on the Los Angeles County Metropolitan Transportation Authority's Retrofit Soundwall Program "Post May 1989 List."

(2)(A) Sixteen percent (16%) to the Transit Service Expansion and Enhancements Account, for allocation by the Controller for bus, light rail, and commuter rail operations, transit equipment and facility improvement, maintenance, and rehabilitation, and transit passenger security, as follows: Fifty percent (50%) in the manner as provided for allocation of State Transit Assistance funds pursuant to Sections 99314 and 99314.3 of the Public Utilities Code, except that money shall be allocated directly to transit operators by the Controller, and fifty percent (50%) to transportation planning agencies for allocation to transit operators in the same manner as provided for allocation of State Transit Assistance funds pursuant to Section 99313 of the Public Utilities Code, except that this money shall be allocated by the transportation planning agency only to transit operators and not for other purposes.

(B)(i) To be eligible to receive an allocation pursuant to this paragraph (2), the public agency receiving money pursuant to this paragraph shall annually expend from its general fund for public transportation operations an amount not less than the annual average of its expenditures from its general fund during the 1996–97, 1997–98, and 1998–99 fiscal years, as reported to the Controller pursuant to Section 99243 of the Public Utilities Code, and as increased by the Consumer Price Index. For purposes of this subparagraph, in calculating a public agency's annual general fund expenditures and its average general fund expenditures for the 1996–97, 1997–98, and 1998–99 fiscal years, any unrestricted

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money that the public agency may expend at its discretion shall be considered expenditures from the general fund.

(ii) For any public agency created on or after July 1, 1996, the Controller shall calculate an annual average of expenditure for the part of the period from July 1, 1996, to December 31, 2000, inclusive, that the public agency was in existence. For any public agency created after 2000, the Controller may select an appropriate period of analysis.

(iii) For purposes of clause (ii), the Controller may request fiscal data from public agencies in addition to data provided pursuant to Section 99243 of the Public Utilities Code, for the 1996–97, 1997–98, 1998–99, or any other fiscal years. Each public agency shall furnish the data to the Controller not later than 120 days after receiving the request. The Controller may withhold payment to public agencies that do not comply with the request for information or provide incomplete data.

(iv) The Controller may perform audits to ensure compliance with clause (ii) when deemed necessary. Any public agency that has not complied with clause (ii) shall reimburse the state for the money it received during that fiscal year. Any money withheld or returned as a result of a failure to comply with clause (ii) shall be reallocated to the other eligible public agencies whose expenditures are in compliance.

(v) If a public agency fails to comply with the requirements of clause (ii) in a particular fiscal year, the public agency may expend during that fiscal year and the following fiscal year a total amount that is not less than the total amount required to be expended for those fiscal years for purposes of complying with clause (ii).

(C)(i) Notwithstanding the requirements of subparagraphs (A) and (B), one-half of one percent (.5%) of the account shall be allocated each fiscal year as a first priority by the Controller to the State Coastal Conservancy, for a grant to a nonprofit organization one of whose principal purposes is to support and improve the Golden Gate National Recreation Area, for expenditure (including by contract with public and private transportation agencies and companies) to provide improved transportation services to transit-dependent neighborhoods, community groups, and schools to the programs of the Crissy Field Center, and for transportation services between the Center and other locations in the National Recreation Area. The grant may be also used for acquisition and maintenance of vehicles needed to provide these services, for information and education about the services, and for management and administration of the programs authorized by this clause (i).

(ii) Notwithstanding the requirements of subparagraphs (A) and (B), one-half of one percent (.5%) of the account shall be allocated each fiscal year as a first priority by the Controller to the State Coastal Conservancy, for a grant to a nonprofit organization one of whose principal purposes is to improve the Golden Gate National Recreation Area, for expenditure on projects for operation and maintenance of, and improvements and enhancements to, public access, transit services, congestion relief, and bicycle and pedestrian safety. The grant may also be used for improvements and enhancements of shoreline and other natural areas that have been impacted by highways within the National Recreation Area, project administration, and management of the program authorized by this clause (ii).

(iii) Notwithstanding the requirements of subparagraphs (A) and (B), one million dollars (\$1,000,000) per year shall be allocated each fiscal year as a first priority by the Controller to the Department of Parks and Recreation, for a grant to a nonprofit organization one of whose principal purposes is to support the California State Railroad Museum for general operating support of the Railroad Technology Museum at the Historic Southern Pacific Shops at Sacramento.

(iv) Notwithstanding the requirements of paragraphs (A) and (B), one-half of one percent (.5%) of the account shall be allocated as a first priority by the Controller to the State Coastal Conservancy, for a grant to a nonprofit organization one of whose principal purposes is to improve and sustain historic Fort Mason in San Francisco, for expenditure on projects for operation and maintenance of, and improvements and enhancements to, the vintage E/F-Line rail transit service in San Francisco. These funds may also be used for project administration and management of the program authorized by this subparagraph.

(3)(A)(i) Seventeen percent (17%) to the Transit Capital Account, for projects to construct or improve light and commuter rail lines, build fueling stations for public transportation systems, purchase rolling stock and buses, construct other transit facilities, including, but not limited to, facilities needed to store and maintain equipment, and to purchase rights-of-way for public transportation projects, and for the other purposes of this paragraph (3).

(ii) Money in the Transit Capital Account shall be allocated by the California Transportation Commission directly to regional transportation plan-

ning agencies in accordance with the computations of county shares required by Section 188.8 of the Streets and Highways Code for expenditure as part of an existing program or programs developed pursuant to the laws governing the State Transportation Improvement Program, or as part of a new program or programs developed by a regional transportation planning agency. Sixty percent (60%) of the remaining money in the Transit Capital Account shall be expended in County Group 2 and forty percent (40%) shall be expended in County Group 1. This calculation shall be made after expenditures from the account for projects listed in subparagraph (D).

(B) Money allocated under this paragraph may not be used to construct administrative headquarters or other facilities that do not directly serve rail and bus transit users.

(C) The regional transportation planning agencies shall allocate the money based on dollars per new rider and other cost-effectiveness criteria, to be adopted by the commission as guidelines or regulations, that prioritize projects that reduce vehicle miles traveled or slow the rate of growth in vehicle miles traveled. Regulations or guidelines adopted under this subparagraph shall not be subject to review or approval of the Office of Administrative Law or subject to any other requirement of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(D) Notwithstanding the limitations in subparagraph (A) and subparagraph (C), money in the Transit Capital Account shall first be allocated to the following projects:

(i) To the Sacramento Regional Transit District, ten million dollars (\$10,000,000) per year during the 2003–04 to 2012–13, inclusive, fiscal years for the extension of light rail service from downtown Sacramento to Sacramento International Airport.

(ii) To the Tahoe Transportation District, six million dollars (\$6,000,000) per year during the 2003–04 to 2005–06, inclusive, fiscal years for the design and purchase of alternatively fueled boats, fueling stations, infrastructure, and dock improvements, for the initiation and implementation of waterborne transportation service on Lake Tahoe. The district shall coordinate its efforts with the Tahoe Metropolitan Planning Organization. All land-based facilities for this project shall be located in California. The district shall undertake this project only if the Tahoe Regional Planning Agency determines that the project reduces traffic congestion and reliance on the private automobile, taking into account reduction in vehicle miles traveled, and air and water pollution in the Lake Tahoe Basin, in addition to fulfilling the requirements of the Tahoe Regional Planning Compact and the Regional Plan for Lake Tahoe. Up to five percent (5%) of the total amount may be used to plan the project. The district may seek matching state and federal grants for the service. Up to three hundred thousand dollars (\$300,000) of the total amount may be used for development of a parking management plan for the Lake Tahoe Basin, including parking for the waterborne transportation passengers. The district may use up to eight million dollars (\$8,000,000) of the total amount for the establishment of a dedicated, permanent operating reserve. Annually the interest from this reserve shall be used to pay for part of the operation of the service. The district may contract for the operation of the waterborne transportation service.

(iii) To the State Coastal Conservancy, one million dollars (\$1,000,000) per year during the 2003–04 to 2005–06 inclusive, fiscal years, for a grant to a nonprofit organization one of whose principal purposes is to improve and sustain historic Fort Mason in San Francisco, for improvements to the vintage E/F Line rail transit service in San Francisco. Such improvements may include, but are not limited to, planning and implementation of an extension of the line to the San Francisco Maritime National Historic Park and Fort Mason Center, vintage vehicle rehabilitation and restoration, passenger stop enhancements, and improvements to related facilities. This money may also be used by the nonprofit organization for project administration and management of the program authorized by this subparagraph.

(iv) To the Department of Parks and Recreation, seven million dollars (\$7,000,000) for the 2003–04 fiscal year, for a grant to a nonprofit organization one of whose principal purposes is to support the California State Railroad Museum and its Railroad Technology Museum, to construct the Railroad Technology Museum at the Historic Southern Pacific Shops at Sacramento.

(v) To the Los Angeles County Metropolitan Transportation Authority, seven million five hundred thousand dollars (\$7,500,000) per year during the 2003–04 to 2012–13, inclusive, fiscal years to construct a tunnel under Exposition Boulevard to accommodate light rail, buses, and other motor vehicles at least from State Route 110 to west of Vermont Avenue. This project will enhance pedestrian safety for students and visitors to museums, classrooms, and

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activity centers in Exposition Park and adjacent University Park, as well as contribute to transit and transportation efficiency in this historic district.

(vi) To the Port of Oakland, five million dollars (\$5,000,000) per year during the 2003–04 to 2012–13, inclusive, fiscal years for public transportation projects and related environmental projects, including acquisition and development of public transportation facilities, waterfront park and trail improvements, bicycle and pedestrian pathways and related restoration projects at Lake Merritt, and related infrastructure, along or connecting to the Oakland waterfront, extending from the Howard Terminal in the Jack London District area, to and including San Leandro Bay and the Lake Merritt Channel, provided that such projects are consistent with the Estuary Policy Plan (a portion of the Oakland General Plan), as may be amended; and for public transportation and environmental projects related to developments along Hegenberger Road between the Coliseum Bay Area Rapid Transit station and the Oakland International Airport, including projects specifically related to the BART to Airport Connector.

(vii) To the Redevelopment Agency of the City of Oakland, one million five hundred thousand dollars (\$1,500,000) per year during the 2003–04 to 2012–13, inclusive, fiscal years to encourage transit-oriented development near downtown mass transit facilities, thereby reducing unnecessary commuting with motor vehicles. Two-thirds of this money shall be spent for the acquisition, construction, and equipping of the California State chartered Oakland School for the Arts so as to serve the above-described transit-oriented development.

The remainder of the money shall be spent for the planning and construction of transportation-related improvements in the vicinity of the Oakland City Hall consistent with the 17th Street and San Pablo Parking Study and the Central Business District Study for transportation infrastructure. Permissible projects include: bus parking, commuter van pooling parking, bicycle parking, improved BART access, area parking management, parking structures, and environmental mitigations.

(4)(A) Two percent (2%) to the Senior and Disabled Transportation Account, for allocation by the Controller as grants to transportation planning entities in accordance with the designations made in Section 29532 of the Government Code and Section 99214 of the Public Utilities Code to be used to provide transportation to seniors and people with disabilities otherwise unable to drive or take regularly scheduled public transportation. Twenty percent (20%) of the grants annually awarded pursuant to the program authorized by this paragraph shall be awarded to cities, counties, cities and counties, and other public agencies on a matching fund or service basis. If sufficient matching contributions are not available to use twenty percent (20%) of the grants, the remaining money shall be used for grants to public agencies that cannot provide matching contributions.

(B)(i) To be eligible for a grant pursuant to this paragraph (4), a public agency applying for a grant pursuant to this paragraph shall annually expend for senior and disabled transportation purposes an amount not less than the annual average of its expenditures from its general fund during the 1996–97, 1997–98, and 1998–99 fiscal years, as reported to the Controller pursuant to Section 99243 of the Public Utilities Code, and as increased by the Consumer Price Index. For purposes of this subparagraph, in calculating a public agency's annual general fund expenditures and its average general fund expenditures for the 1996–97, 1997–98, and 1998–99 fiscal years, any unrestricted money that the public agency may expend at its discretion shall be considered expenditures from the general fund.

(ii) For any public agency created on or after July 1, 1996, the Controller shall calculate an annual average of expenditure for the part of the period from July 1, 1996, to December 31, 2000, inclusive, that the public agency was in existence. For any public agency created after 2000, the Controller may select an appropriate period of analysis.

(iii) For purposes of clause ii, the Controller may request fiscal data from public agencies in addition to data provided pursuant to Section 99243 of the Public Utilities Code, for the 1996–97, 1997–98, 1998–99, or any other fiscal years. Each public agency shall furnish the data to the Controller not later than 120 days after receiving the request. The Controller may withhold payment to public agencies that do not comply with the request for information or provide incomplete data.

(iv) The Controller may perform audits to ensure compliance with clause ii when deemed necessary. Any public agency that has not complied with clause ii shall reimburse the state for the money it received during that fiscal year. Any money withheld or returned as a result of a failure to comply with clause ii shall be reallocated to the other eligible public agencies whose expenditures are in compliance.

(v) If a public agency fails to comply with the requirements of clause ii in a particular fiscal year, the public agency may expend during that fiscal year and the

following fiscal year a total amount that is not less than the total amount required to be expended for those fiscal years for purposes of complying with clause ii.

(5)(A)(i) Four percent (4%) to the Rail Grade Separations Account, for allocation by the California Transportation Commission pursuant to a priority list developed by the Public Utilities Commission in accordance with the requirements of this paragraph, to be used for projects to separate rail lines from streets, roads, and highways.

(ii) Except for the projects in subparagraph (D), money in the account shall be transferred for expenditure by the California Transportation Commission only in a fiscal year in which at least \$15 million (\$15,000,000) is also allocated to rail grade separation projects pursuant to Section 190 of the Streets and Highways Code. In a fiscal year in which at least \$15 million (\$15,000,000) is not also allocated to rail grade separation projects pursuant to Section 190 of the Streets and Highways Code, the money that would otherwise be transferred to the account in that fiscal year shall be transferred instead to the Transit Capital Account established by paragraph (3) of subdivision (b).

(B) First priority for use of the money allocated from the account shall be for grade separation projects across existing heavy rail lines, based on the amount of traffic congestion that would be relieved by the grade separation. High priority shall be given to projects on rail lines that serve ports, since these projects reduce the need for truck traffic by making rail lines safer.

(C) Money allocated from the account shall be used to accommodate bicycles and pedestrians in grade separation projects, and projects that accommodate only bicycles and pedestrians are eligible to receive funding pursuant to this paragraph.

(D) Notwithstanding the restrictions in subparagraphs (A), (B), and (C), money in the account shall first be allocated to the following projects:

(i) To the Southern California Regional Rail Authority, ten million dollars (\$10,000,000) per year during the 2003–04 to 2006–07, inclusive, fiscal years for grade separations at Sand Canyon Road and Harvard Avenue. Design and construction shall be carried out by the jurisdictions within which each project is located.

(ii) To the City of San Bernardino, seven million five hundred thousand dollars (\$7,500,000) per year during the 2003–04 to 2006–07, inclusive, fiscal years for the following grade separation improvements associated with the Norton Air Force Base Intermodal Goods Movement Facility: Tippecanoe Avenue south of Central Avenue; Waterman Avenue south of Central Avenue; Mill Street west of Waterman Avenue; and E Street south of Rialto Avenue.

(6)(A) Ten percent (10%) to the Transportation Impacts Mitigation Trust Fund, to be allocated by the Resources Agency in accordance with Section 164.57 of the Streets and Highways Code.

(i) At least one million dollars (\$1,000,000) shall be expended in each fiscal year by the Resources Agency on facilities that assist wildlife in safely crossing transportation corridors, in order to increase motorist safety, reduce traffic congestion, and promote connectivity among wildlife populations. Sixty percent (60%) of the money for wildlife crossings authorized by this subparagraph shall be expended in County Group 2 and forty percent (40%) shall be expended in County Group 1.

(ii) At least one million dollars (\$1,000,000) shall be expended in or near urban or urbanizing areas in the region comprised of Orange, Riverside, San Bernardino, and San Diego Counties, each fiscal year by the Department of Food and Agriculture in accordance with subdivision (f) of Section 164.57 of the Streets and Highways Code.

(B) Notwithstanding subparagraph (A) and the restrictions of Section 164.57 of the Streets and Highways Code, the following amounts shall first be allocated from the trust fund:

(i) To the City of Irvine, ten million dollars (\$10,000,000) per year during the 2003–04 to 2014–15, inclusive, fiscal years for the creation of a wildlife corridor and related trail systems connecting the Laguna Coast Wilderness Park and Crystal Cove State Park to the Orange County Central Park and Nature Preserve; and for infrastructure, landscaping, forestation, and recreational improvements for the Orange County Central Park and Nature Preserve, to mitigate the effects of Interstates 5 and 405 and other roads that interfere with wildlife migration in this area; and for bicycle and pedestrian crossings of streets and flood control improvements relating to transportation facilities, and other improvements along the Jeffrey Open Space Spine.

(ii) To the County of Riverside, six million dollars (\$6,000,000) per year for the Western Riverside County Habitat Conservation Plan Implementation Program. First priority for the expenditure of this money shall be for land acquisition. The purpose of these expenditures is to acquire wildlife habitat to mitigate the effect of transportation and transportation-related development in Riverside

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County. During the 2003–04 to 2012–13, inclusive, fiscal years, not more than one million dollars (\$1,000,000) may be expended for operations and maintenance of the lands acquired by the program. Commencing with the 2014–15 fiscal year, and during each subsequent fiscal year, up to five million dollars (\$5,000,000) may be expended for operations and maintenance of the lands acquired by the program.

(iii) To the San Joaquin River Conservancy, five hundred thousand dollars (\$500,000) per year, to be expended by the conservancy and at the direction of the conservancy for the acquisition of land, development of facilities, and the operation and maintenance thereof. Of this amount, the conservancy shall grant not less than twenty-five percent (25%) each year to nonprofit organizations in Fresno and Madera Counties one of whose principal purposes is conservation of and education about the San Joaquin River for projects that meet the requirements of this subparagraph. These expenditures are necessary because of the impacts of state highways and freeways such as State Routes 99 and 41, and other transportation corridors on the environment on and near the San Joaquin River.

(iv) To the Santa Monica Mountains Conservancy, eight million dollars (\$8,000,000) each fiscal year, to be expended by the conservancy, and at the direction of the conservancy, by any joint powers agency of which the conservancy is a member, on projects that meet the requirements of this subparagraph and Section 164.57 of the Streets and Highways Code, including the operation and maintenance of the land acquired and facilities constructed pursuant to this subparagraph. Notwithstanding any other provision of law, one million dollars (\$1,000,000) of the amount specified in this subparagraph shall annually be used for the acquisition and improvement of natural parks within the heavily urbanized area of Los Angeles County. These expenditures are necessary because of the impacts of state highways and freeways such as Interstate 10, U.S. 101, State Routes 134 and 1, and many other state and local roads that have negatively impacted the environmental quality of the Santa Monica Mountains, and other lands that are to be preserved by the conservancy and its public agency partners.

(v)(I) To the County of Sacramento, one million dollars (\$1,000,000) per year for the acquisition of land, development, and operation and maintenance of the American River parkway, including trails, to promote greater use of the parkway. The parkway's Jedediah Smith Memorial Trail (off-street) is a recreation resource of regional, state, and national significance, and is a major east-west, 23-mile long transportation corridor for commuter bicyclists. Use of the parkway by bicyclists and other recreational users is an important part of Sacramento County's strategy to reduce public exposure to air pollution and toxic air contaminants by supporting bicycling, including the provision of bicycle circulation infrastructure for commuter and recreational travel. Improved levels of maintenance and enhanced public safety services in the parkway will promote increased use of the parkway by people traveling to and from work, school, and other destinations served by U.S. 50, Interstate 80, and other local arterials.

(II) To be eligible to receive an allocation pursuant to this subparagraph, the County of Sacramento shall annually expend from its general fund for the American River Parkway, an amount not less than the annual average of its expenditures from its general fund during the 1999–2000, 2000–01, and 2001–02 fiscal years as reported to the Controller, and as increased by the Consumer Price Index. In calculating the county's annual general fund expenditures for the 1999–2000, 2000–01, and 2001–02 fiscal years, any unrestricted money that the county may expend at its discretion shall be considered expenditures from the general fund. The Controller may request fiscal data from the county for the fiscal years identified. The county shall furnish the data to the Controller not later than 120 days after receiving the request. The Controller may withhold payment to the county if it does not comply with the request for information or provides incomplete data. The Controller may perform audits to ensure compliance when deemed necessary. If the county does not comply, the county shall reimburse the state for the money it received during that fiscal year.

(vi) The following projects will mitigate the impact of transportation projects on wildlife corridors in Riverside County:

(I) To the County of Riverside, three million dollars (\$3,000,000) per year for the San Timoteo Park project, including San Timoteo Creek and Canyon and adjacent land in the canyons and hills between Loma Linda and Beaumont. First priority for the expenditure of this money shall be for land acquisition. In a year in which no land can be acquired, the allocations shall be used to operate and maintain the lands acquired for the San Timoteo Park project.

(II) To the City of Riverside, one million dollars (\$1,000,000) per year for the La Sierra/Norco Hills project between the cities of Riverside and Norco, including acquisition of land for habitat and a wildlife corridor connection to the Santa Ana River, and adjacent Santa Ana River Trail improvements. First priority for the expenditure of this money shall be for land acquisition, and second

priority shall be for Santa Ana River Trail improvements. In years when no land can be acquired, and no trail improvements are needed, the money shall be used to operate and maintain the La Sierra/Norco Hills habitat area and the Santa Ana River Trail in the City of Riverside.

(vii) To the State Coastal Conservancy, two million dollars (\$2,000,000) per year during the 2003–04 to 2004–05 inclusive, fiscal years, for a grant to a nonprofit organization one of whose principal purposes is to improve the Golden Gate National Recreation Area, for transportation improvements and related enhancements at or near oceanfront and bay shoreline sites in the National Recreation Area. Such improvements may include, but are not limited to, bicycle and pedestrian projects, transportation safety projects, park entrance projects, transit access projects, parking improvements that reduce the impact of motor vehicles on the visitor experience, visitor facilities, and beach and shoreline restoration of natural areas that have been impacted by roadways.

(viii) To the City of Laguna Woods, two million dollars (\$2,000,000) for the 2003–04 fiscal year, for the acquisition of land within the city or within the sphere of influence of the city near or adjacent to the Laguna Coast Wilderness Park, and for the development of trails connecting to the park. The purpose of these funds is to reduce the impact of nearby transportation facilities on wildlife corridors.

(ix) To the State Coastal Conservancy, three million five hundred thousand dollars (\$3,500,000) for the 2003–04 fiscal year, for a grant to a nonprofit organization one of whose principal purposes is the restoration of the San Diego River, for acquisition of land and the restoration of habitat along the river. The purpose of these funds is to mitigate the impact of transportation facilities such as State Route 67, Interstate 5, and other roads on the San Diego River.

(x) To the Department of Parks and Recreation, five million dollars (\$5,000,000) per year during the 2003–04 to 2013–14 fiscal years, inclusive, for the acquisition of coastal wetlands resources located in Los Angeles County within the coastal zone, as defined in Section 30103 of the Public Resources Code, and within the Ballona Creek watershed to offset the effects of transportation improvements and road construction within the coastal zone in Los Angeles County.

(xi) To the City of Sacramento, two million dollars (\$2,000,000) per year during the 2003–04 to 2004–05, inclusive, fiscal years, for the Downtown to the Riverfront Reconnection, to be developed on air rights over Interstate 5. The decking project, aimed at mitigating the impact of Interstate 5, will create open space and support the revitalization of the waterfront.

(xii) To the State Coastal Conservancy, one million dollars (\$1,000,000) for the 2003–04 fiscal year, for a grant to a nonprofit organization one of whose principal purposes is the restoration and enhancement of bicycle paths, pedestrian trails, and related signage and lighting, and the acquisition and upgrade of pedestrian and bicycle access points to and along La Ballona Creek in the incorporated and unincorporated areas of Los Angeles County.

(xiii) To the State Coastal Conservancy, five hundred thousand dollars (\$500,000) for the 2003–04 fiscal year, for a grant to a nonprofit organization one of whose principal purposes is the creation of an educational program in coastal Southern California to instruct schoolage children and the general public about non-point source pollution from automobiles, trucks, and other motor vehicles that enters the watersheds and storm drains leading to the ocean. The grant shall be used to acquire one or more Mobil Ocean and Traveling Discovery Center vehicles. Vehicles acquired with this money shall certify to the lowest achievable emission levels for criteria pollutants.

(xiv) To the Coachella Valley Mountains Conservancy, two million dollars (\$2,000,000) each fiscal year, to be expended directly by the conservancy or through grants from the conservancy to public agency partners, joint powers agencies, or nonprofit conservation organizations for the acquisition of land and the operation and maintenance thereof. The acquisitions shall assist in the local implementation of the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan, and help implement the Conservancy's mission to protect mountainous and natural community conservation lands in and surrounding the Coachella Valley. These expenditures are necessary because of the impacts of state and federal highways such as Interstate 10, and related interchange projects, State Routes 62, 74, 86, and 111 and many other state and local roads that have negatively impacted the environmental quality of the Coachella Valley.

(xv) To the State Coastal Conservancy, one million dollars (\$1,000,000) for the 2003–04 fiscal year, for a grant to a nonprofit organization one of whose principal purposes is the preservation of the San Dieguito River, for the acquisition of land and the restoration of habitat along the San Dieguito River, and for the development of trails. These expenditures are to mitigate the effect of

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transportation and transportation-related development in and near the San Dieguito River Valley.

(xvi) To the Wildlife Conservation Board, ten million dollars (\$10,000,000) for the 2003–04 fiscal year, for the acquisition of “natural lands” in the watershed of the Sacramento River with outstanding spring run and other salmon and steelhead populations, water rights important to the salmon and steelhead populations, important archaeological resources, and diverse wildlife populations. For the purposes of this subparagraph, acquisition shall be fee simple purchases and permanent conservation easements. For purposes of this subparagraph the “natural lands” shall be lands that include at least five miles of frontage on a major tributary of the Sacramento River and include 5,000 contiguous acres or more, and that are also large enough to substantially protect the watershed of a major tributary of the Sacramento River that meet the requirements of this subparagraph. This acquisition is to compensate for the damage done to salmon populations and archaeological resources in the Sacramento Valley by such transportation facilities as Interstate 5, State Routes 99 and 70, and other major roads and highways.

(xvii)(I) To the County of Sacramento, one million five hundred thousand dollars (\$1,500,000) per year for expenditure in the area along the State Route 16, Scott Road, Deer Creek, and Cosumnes River corridors, and particularly the area north of State Route 16 lying west of the Amador and El Dorado County line, south of White Rock Road, and east of the westerly boundary of the East County Open Space study area as defined in 2001 by the Sacramento County Board of Supervisors and including the Sloughhouse area generally; and the area south of Highway 16 lying west of the Amador County line and north of Meiss Road, to be more specifically delineated by the Board of Supervisors. The money shall be expended within Sacramento County for the primary purpose of mitigating the impacts of transportation activities elsewhere in the county and the region, such as air, noise, and water pollution, by maintaining as much land as possible within the study area and associated corridors in a predominantly rural, scenic, and open space character through the use of cost-effective, incentive-driven cooperative programs with area landowners (with highest priority given to farmers and ranchers), and assisting with appropriate protection and improvement of the area’s roads and corridors to provide for their safe use and enjoyment by local and non-local users, consistent with continuing their rural and scenic character. The money allocated by this subparagraph shall be expended pursuant to a program developed and approved by the Board of Supervisors.

(II) At least seventy five percent (75%) of the money allocated pursuant to subclause (I) shall be expended in any 10-year period for the purpose of funding long-term contractual open space stewardship, management, and enhancement agreements with willing landowners to actively maintain and improve one or more mutually determined and preferably conjunctive open space values of the property, including, but not limited to, farming, ranching, wildlife habitat and related biological values, oaks and oak woodlands, riparian corridors, watersheds, historic and cultural resources, viewsheds, and where mutually deemed appropriate, public access and recreation. Stewardship agreements shall cover a minimum of 320 acres and shall not include land owned in fee by a governmental agency or a tax-exempt nonprofit organization qualified under Section 501(c)(3) of the United States Internal Revenue Code. A proposed stewardship agreement program may be developed by the Sloughhouse Resource Conservation District for consideration for approval by the Board of Supervisors. Compensation for landowners pursuant to stewardship agreements shall be established by mutual consent, including, but not limited to, consideration of the length and terms of the agreement, the public interest value of the resources or activities covered, and the labor, services, and investment expected of the landowner. Where relevant and appropriate, costs shall generally be less than or competitive with costs typically incurred by public agencies using public employees to perform similar functions.

(III) Up to twenty five percent (25%) of the money allocated pursuant to subclause (I) over any 10-year period may be used for safety improvements on Scott Road, including improvements to minimize the need to close Scott Road because of flooding, that are consistent with its rural and scenic character, for assisting in the maintenance, rehabilitation and reuse of the historic bridges over the Cosumnes River, and for preserving, restoring, and interpreting historic and cultural resources, particularly in the State Route 16 and Cosumnes River corridors and the Sloughhouse area.

(7) Two percent (2%) to the Transportation Water Quality Account, to be allocated by the State Water Resources Control Board for expenditure pursuant to Section 164.58 of the Streets and Highways Code.

(8)(A) Three percent (3%) to the Air Quality Account for allocation by the State Air Resources Board to the Carl Moyer Memorial Air Quality

Standards Attainment Program established under Chapter 9 (commencing with Section 44275) of Part 5 of Division 26 of the Health and Safety Code, and any other additional transfers as provided in subparagraph (B). Each air district (as defined in Section 39025 of the Health and Safety Code) shall be eligible for grants of not less than one hundred thousand dollars (\$100,000) per year. Any district with a population less than 150,000 shall not be required to provide matching funds.

(B) If the State Air Resources Board determines that money is no longer needed for the Carl Moyer Memorial Air Quality Standards Attainment Program, seventy-five percent (75%) of the money that would otherwise be deposited in the Air Quality Account shall be transferred to the Bicycle Efficiency Account and twenty-five percent (25%) shall be transferred to the Pedestrian Account, to be used for the purposes of those accounts.

(9) Two percent (2%) to the Bicycle Efficiency Account, to be allocated by the Department of Transportation for bicycle projects pursuant to Section 894.5 of the Streets and Highways Code.

(10) One percent (1%) to the Pedestrian Account, to be allocated by the Department of Transportation for projects to facilitate pedestrian utilization and pedestrian safety projects pursuant to Section 894.5 of the Streets and Highways Code and to accommodate paratransit needs at school bus stops.

(11)(A) Four percent (4%) to the Intercity and Commuter Rail Capital and Operations Account, to be allocated by the California Transportation Commission to the Department of Transportation and to public agencies operating commuter rail services, to be used for the operation of intercity and commuter rail service, to acquire rolling stock, to rehabilitate rail service, to construct new rail lines and stations, consolidate existing rail lines, and to improve existing lines to benefit passenger rail service.

(B) Forty percent (40%) of the money allocated by subparagraph (A) shall be allocated to commuter rail, to provide improved service that generally parallels congested segments of freeway corridors. Sixty percent (60%) of the money allocated by subparagraph (A) shall be allocated to intercity rail, with highest priority given to service that generally parallels congested freeway corridors. The calculation required by this paragraph shall be made after the expenditures required by subparagraph (C) have been made.

(C)(i) Notwithstanding the requirements of subparagraph (B), first priority for the expenditure of the money allocated pursuant to this paragraph (11) shall be an allocation of fifteen million dollars (\$15,000,000) per year during the 2003–04 to 2010–11, inclusive, fiscal years to the Department of Transportation, for the following project to reduce traffic congestion on the Interstate 10 and other highway corridors, and to improve highway and rail passenger safety. The project shall include capital outlay for intercity passenger rail service from Los Angeles via Fullerton and Colton, to Palm Springs and Indio, including the following components: two trainsets each consisting of at least five cars and one locomotive; track and signal improvements to facilitate passenger rail trains serving Palm Springs through Indio; one passenger rail station at Ramon Road in the mid-Valley section of the Coachella Valley; one passenger rail station near Jackson Street in the east Valley section of the Coachella Valley in Indio; and improvements to the rail passenger station currently located in Palm Springs. Passenger rail stations shall include platforms, passenger stations, any necessary parking and tunnels, and other station amenities. First priority for expenditure shall be the development of passenger rail stations for this service. The city or Indian reservation within which each station is located may elect to manage the design and construction of these stations, subject to the design and financial approval of the Department of Transportation.

(ii) The Department of Transportation shall contract with a national rail passenger service provider to operate this intercity service and shall seek support for the operation of this service from all federal funding sources, including, but not limited to, the United States Department of Transportation.

(12)(A) Two percent (2%) to the Rural Transportation Account, to be allocated by the Controller directly to transit operators in counties with a population of less than 250,000 as follows: Fifty percent (50%) in the manner as provided for allocation of State Transit Assistance funds pursuant to Sections 99314 and 99314.3 of the Public Utilities Code, except that money shall be allocated directly to transit operators by the Controller, and fifty percent (50%) to transportation planning agencies for allocation to transit operators in the same manner as provided for allocation of State Transit Assistance funds pursuant to Section 99313 of the Public Utilities Code, except that this money shall be allocated by the transportation planning agency only to transit operators and not for other purposes, to be used to improve the mobility of people living in rural areas who cannot drive motor vehicles.

PROPOSITION 51 (cont.)

(B) First priority for expenditure of the money in the account shall be to serve persons with disabilities and other health problems, seniors, students, and persons with low incomes who do not drive motor vehicles.

(13) Three percent (3%) to the Transit Oriented Development Account, to be allocated by the Secretary of the Business, Transportation, and Housing Agency on the basis of population to regional transportation planning agencies for capital outlay projects to develop public use facilities associated with rail and bus transit stations, in accordance with the competitive grant program established under Section 13984 of the Government Code. Sixty percent (60%) of the grants shall be made in County Group 2 and forty percent (40%) shall be made in County Group 1.

(14) One percent (1%) to the Bicycle and Pedestrian Safety Law Enforcement Account, to be allocated by the Controller as follows:

(A) Two-thirds to the Office of Criminal Justice Planning for grants to state and local law enforcement agencies to increase enforcement of speed limit and other traffic safety laws along heavily used pedestrian and bicycle routes. The highest priority for grants shall be for routes financed under the Safe Routes to School Program established under Section 2333.5 of the Streets and Highways Code. The Office of Criminal Justice Planning may adopt guidelines or regulations to implement this paragraph. The guidelines or regulations are not subject to the review and approval of the Office of Administrative Law or subject to any other requirement of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Sixty percent (60%) of the grants shall be made in County Group 2 and forty percent (40%) shall be made in County Group 1.

(B) One-third to the State Department of Education for grants to school districts to educate students and parents about how children can safely travel to school on foot and by bicycle along heavily used pedestrian and bicycle routes, in compliance with state and local traffic safety laws, ordinances, and programs. The highest priority for grants shall be for schools along routes financed under the Safe Routes to School Program established under Section 2333.5 of the Streets and Highways Code. The State Department of Education may adopt guidelines or regulations to implement this paragraph. The guidelines or regulations are not subject to the review and approval of the Office of Administrative Law or subject to any other requirement of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Sixty percent (60%) of the grants shall be made in County Group 2 and forty percent (40%) shall be made in County Group 1. School districts receiving money pursuant to this subparagraph shall consult with bicycling and law enforcement organizations about the implementation of these programs.

(15)(A) Eight percent (8%) to the Safe and Clean School Bus Account, for allocation by the State Department of Education for grants to any public school district, county office of education, state-operated school, or Joint Powers Authority for the purpose of purchasing or leasing new school buses, as defined in Section 39830 of the Education Code, in the following order of priority: First priority shall be to replace currently certified California school buses manufactured prior to April 1, 1977, that do not meet current Federal Motor Vehicle Safety Standards. Second priority shall be to replace currently certified California school buses manufactured prior to January 1, 1987, that do not meet current pollution control standards. Third priority shall be to replace currently certified California school buses manufactured on or after January 1, 1987, and to increase fleet size. The State Department of Education shall develop and use a life cycle cost formula to determine the life cycle and cost of any new school buses leased or purchased under this program. Grants shall be made on a competitive basis, and the criteria for awarding grants shall be determined in consultation with the State Air Resources Board.

(B) Grants shall be made only for the purchase or lease of new buses that certify to the lowest achievable emissions levels for criteria pollutants. Public school districts, county offices of education, state-operated schools, or joint powers authorities with an average daily attendance of fewer than 500 students or located in a region certified by the California Energy Commission to be without fuels necessary to meet this requirement, may request relief from this requirement. Grants may include funding for refueling infrastructure.

(C) Public school districts, county offices of education, state-operated schools, or joint powers authorities shall pay ten percent (10%) of the cost of each new or leased bus up to the amount of ten thousand dollars (\$10,000), but matching funds may be obtained from other agencies or applicable programs. Grant recipients shall present documented proof to the State Department of Education that buses built prior to 1977 and replaced under this program shall be destroyed and that school buses manufactured prior to January 1, 1987, and replaced under this program shall be removed from school bus service, and shall

not be re-registered within the State of California. Any regulations adopted to implement this paragraph shall not be subject to the review or approval of the Office of Administrative Law and shall not be subject to any other requirement of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(16) Five percent (5%) to the Traffic Safety Improvement Account, for allocation by the California Transportation Commission to the Department of Transportation and the regional transportation planning agencies, for grants for projects that improve highway safety, to be allocated strictly on the basis of the potential of the project to reduce motorist, bicyclist, and pedestrian fatalities and injuries. First priority shall be given to projects that improve safety on the street and highway segments that have the highest rate of injuries and fatalities. The commission shall give priority to projects that are cost-effective. The Office of Traffic Safety shall advise the commission on the development of this program. The commission may adopt regulations or guidelines to implement this paragraph. Any regulations or guidelines adopted to implement this paragraph shall not be subject to the review or approval of the Office of Administrative Law and shall not be subject to any other requirement of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(17) Four percent (4%) to the Passenger Rail Improvement, Safety, and Modernization Account, to be allocated by the Controller pursuant to Chapter 7 (commencing with Section 99571) of Part 11 of Division 10 of the Public Utilities Code.

(c) Money allocated as a grant or expended by a state agency under this section may be used as matching contributions to meet the requirements of any local, state, or federal transportation program.

(d)(1) If the recipient of money under this section fails to comply with the terms of the grant the agency making the grant may initiate an action to rescind the grant, and recover the money granted to the recipient, together with interest as computed on deficiency assessments.

(2) Any money recovered under this subdivision shall be deposited in the account from which it was awarded and shall be available for appropriation for the purposes of the account from which it was awarded, and for no other purpose.

(3) The initiation of an action pursuant to this subdivision does not preclude the imposition of any fine, forfeiture, or other penalty, or the undertaking of an administrative enforcement action pursuant to any other provision of law or regulation.

(e) The Controller may transfer money from the fund for purposes expressly authorized in this section, and for the limited purposes set forth in Section 13985 of the Government Code and for investment in the Pooled Money Investment Account, and for no other purposes. Notwithstanding any other provision of law, money deposited in the Pooled Money Investment Account shall be available for immediate allocation or reallocation as provided in this section and may not be loaned to, or borrowed by, any other special fund or the General Fund. All interest earned from investment in the Pooled Money Investment Account shall be deposited in the fund and shall be used solely for the purposes of the fund and shall be allocated in accordance with this section.

(f) In the event of damage to transportation facilities in California due to an earthquake occurring subsequent to the effective date of this measure, the Governor may utilize money from the fund to match federal funds to repair damage to those facilities from that earthquake for up to 12 months after the date of the earthquake. No funds allocated pursuant to this subdivision shall be used to supplant federal funds otherwise available in the absence of state financial relief.

(g) No money in the fund may be used for debt service for general obligation bonds issued for transportation purposes pursuant to Chapter 17 (commencing with Section 2701) of Division 3 of the Streets and Highways Code, or bonds issued pursuant to Chapter 6 (commencing with Section 99690) of Part 11.5 of Division 10 of the Public Utilities Code, or for any existing or future general obligation bonds that the state authorizes or issues.

(h) Notwithstanding any other provision of law, except as provided by this section and Section 13985 of the Government Code, money deposited into the fund shall not be transferred to or revert to the General Fund, but shall remain in the fund until allocated or reallocated as provided in this section.

(i) Money in the fund shall not be used to replace money that was previously planned, programmed, or approved by a local or regional transportation entity or a city, county, or city and county for public transportation purposes.

(j) Expenditures made pursuant to this section may include the costs directly related to the mitigation of a project financed pursuant to this section. No expenditure shall be made of any money made available pursuant to this section for any mitigation costs required by federal or state law or a local ordinance for any project that was not financed pursuant to this section.

PROPOSITION 51 (cont.)

(k) Emissions reductions resulting from the part of a project financed under this section may not be used under any local, state, or federal emissions averaging or trading program to offset or reduce any emissions reduction obligation that is in effect at the time the project is financed. Emissions reductions resulting from the part of a project financed under this section may not be banked under any local, state, or federal emissions banking program.

(l) All money allocated by this section shall be disbursed quickly and efficiently. All forms for applications for grants of money from state agencies shall be clear, simple, understandable, and as short as possible. All applications for grants shall be processed quickly and approved or rejected within 180 days of submission, and within 90 days on projects of less than five million dollars (\$5,000,000). Unsuccessful applicants shall be given guidance as to how to change their applications to gain approval. This guidance may also be provided in a way that allows applicants to change pending applications before they are subjected to approval or rejection.

(m) Not later than December 31 of each year, each state and local agency receiving money from the fund shall publish a list of all projects approved under this section during the preceding fiscal year. The report shall include for each project a description of the project, the cost of the project, the amount of annual reductions in air emissions or water pollution estimated to result from the project, if any, and the effect of the project on traffic congestion, if any. The report shall be transmitted to the Governor and the Legislature, and shall be available to the public, including through the Internet.

(n) Any project that receives money from the fund shall by appropriate signage at the project site and through publicity inform the public about the use of money from the fund. The signage shall indicate that the source of the money was a voter-approved initiative, passed in 2002. The Secretary of the Business, Transportation, and Housing Agency shall develop regulations to implement this section. Those regulations shall not be subject to the review or approval of the Office of Administrative Law and shall not be subject to any other requirement of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(o) In implementing this section, each agency allocating money from the fund, and each agency receiving money from the fund shall give preference to contracting with the California Conservation Corps or community conservation corps, as defined in and certified pursuant to Section 14507.5 of the Public Resources Code, in undertaking work financed pursuant to this section to the extent that the corps have the capability of carrying out the programs to be implemented by the agencies.

(p) Every project undertaken pursuant to this section shall comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(q) Construction projects or works of improvement for facilities that are paid for in part or in whole using money from the fund shall be considered public works projects subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code and shall be regulated by the Department of Industrial Relations in the same manner in which it carries out this responsibility under the Labor Code.

(r) Section 99683 of the Public Utilities Code applies to all rail and bus capital outlay projects undertaken pursuant to this section.

(s) Expenditures from the fund shall be subject to an annual audit by an independent seven member commission composed of five members appointed by the Governor, and one each appointed by the Speaker of the Assembly and the Senate Committee on Rules. The commission shall elect its own chair. The members shall serve without pay, but may receive per diem as determined by the Department of Finance. The costs of the commission, including the costs of the audit, shall be paid with money in the fund by the Controller before allocation to the accounts in the fund, as specified in this section.

(t) The audit required under subdivision(s) shall include review of the administration of the program and expenses incurred, including, but not limited to, the initial start-up costs of the program. The independent commission created under subdivision(s) shall contract with a private auditing firm to conduct the audit. On completion of the audit, the commission shall immediately report the results to the Governor, and the Legislature, and shall make the results available to the public, including through the Internet. Each state and local agency that administers any part of the program authorized under this section shall report to the Governor, the Legislature, and the public its response to the results and recommendations of the audit within 90 days of completion of the audit. If the audit recommends a reduction in the cost of administering the program, the agency shall reduce its administrative costs or provide a written explanation to the Governor and the Legislature explaining why the administrative expenses cannot be reduced.

(u) Pursuant to Section 8 of Article XVI of the California Constitution, funds in the Traffic Congestion Relief and Safe School Bus Trust Fund in the State Treasury, established under this section, shall be added to General Fund revenues otherwise considered in making the calculations required under Section 8 of Article XVI.

(v) Except as expressly authorized under this section, money may not be transferred between or among the accounts established under subdivision (b) or between or among the funds named in this section.

(w) Money made available by this section may not be used for projects that result in a decrease in the existing level of pedestrian and bicycle access or safety features along and across a street, road, railway, highway, or bridge.

(x) Money made available by this section may be used to supplement other money in order to complete a capital outlay project, or to operate a transportation system.

(y) The California Transportation Commission may adopt guidelines or regulations to implement any of the requirements and provisions that apply to the commission pursuant to this section. Any regulations adopted to implement this subdivision shall not be subject to the review or approval of the Office of Administrative Law and shall not be subject to any other requirement of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(z) If a project or program is eligible for funding from more than one account under this section, it may receive funding from more than one account for a single project or program.

(aa)(1) Unless otherwise specified in this section, notwithstanding Sections 13340, 16304, and 16304.1 of the Government Code, all money in the fund, the trust fund, and accounts created by this section allocated to any state agency by this section is continuously appropriated to that agency without regard to fiscal years, and all money in the fund, the trust fund, and accounts created by this section allocated to any state or local agencies shall remain available to those agencies from year to year until expended.

(2) Notwithstanding Sections 13340, 16304, and 16304.1 of the Government Code, all money transferred by the Controller to the accounts established by this section and the Transportation Impacts Mitigation Trust Fund is continuously appropriated without regard to fiscal years for the purposes of the accounts and the trust fund, and shall remain available for expenditure from the accounts and the trust fund to the agencies and nonprofit organizations eligible to receive money from the accounts and the trust fund from year to year until expended.

(bb) If a statute passed by the Legislature transfers any money from an account to any other account, fund, or other depository, directly or indirectly, within 90 days of the effective date of the statute the Controller shall transfer an amount equivalent to the amount of the transfer from the General Fund to the account. There is hereby appropriated from the General Fund an amount necessary to make any transfer required by this subdivision.

(cc) It is the intent of the voters that money provided by the State of California to cities, counties, and special districts not be reduced by the Legislature as a result of the initiative measure that added this section to the Revenue and Taxation Code.

(dd) No agency shall expend more than two percent (2%) of the money available to it pursuant to this section on the administration of that money.

(ee) For purposes of this section, County Group 1 and County Group 2 are those county groups as defined in Section 187 of the Streets and Highways Code.

(ff) In allocating money pursuant to this section that is distributed solely utilizing Section 187 of the Streets and Highways Code, state and regional agencies, including the Controller, granting the money shall further distribute the money so that each county having a population greater than 250,000 receives an amount that is within ten percent (10%) what it would receive if the money were distributed on a per capita basis.

(gg) Any statute that alters the flow of revenue governed by Section 7102 or this section in a manner different than the provisions of the initiative measure that added this section to the Revenue and Taxation Code shall be void and without force or effect. Any bill or statute that interferes with the intended operation of the provisions of the initiative measure that added this section to the Revenue and Taxation Code with respect to the flow of money or in any other way shall be void and without force or effect.

(hh) Money appropriated, expended, or transferred pursuant to this section 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.

(ii) For purposes of this section, commuter rail services include, but are not limited to, the Bay Area Rapid Transit, the Capitol Corridor, CalTrain, Altamont Commuter Express, Coaster, and Metrolink systems.

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(jj) In the expenditure of capital outlay or operating funds received pursuant to this section, the Southern California Regional Rail Authority shall give first priority to additional service and facilities along Metrolink rail lines that parallel congested freeways, such as State Routes 91, 118, 60, and 14, U.S. 101, and Interstates 215, 10 and 5, as well to facilities that support such service.

SEC. 3. Section 13984 is added to the Government Code, to read:

13984. (a) For purposes of this section, the following terms shall have the following meanings:

(1) "Rail or bus transit" means any of the following: light rail (including trolley buses), commuter rail, heavy rail, or intercity rail; or exclusive bus transit ways or bus transit lines with service no less than every 15 minutes during peak traffic congestion periods.

(2) "Public use facilities" means all of the following:

(A) Street, sidewalk, and pedestrian crosswalk improvements within one-third mile of a rail or bus transit line.

(B) Rail or bus transit station amenities, including, but not limited to, artwork, benches, pedestrian and bicycle overpasses and tunnels, accommodations in compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336), elevators, escalators, and bicycle parking and motor vehicle parking structures that enable increased rail or bus transit station use and offer preferential parking to rail or bus transit users.

(C) Child care centers, libraries, community rooms, restrooms, and other public facilities and public spaces that serve or are accessible to rail or bus transit users.

(D) Acquisition of land to implement projects qualifying for grants under this section.

(E) Multi-modal facilities, including, but not limited to, infrastructure to accommodate connections to bus lines, other rail or bus transit lines, jitneys, taxis, tour buses, pedestrian facilities, and access routes used by bicyclists.

(F) Facilities to accommodate publicly owned low emission motor vehicles at rail or bus transit stations, including, but not limited to, recharging stations, secure parking, and storage facilities.

(G) Traffic light synchronization controllers and signal priority for public transit near rail or bus transit stations.

(H) The cost of relocation assistance required to implement any of the projects listed in this subdivision, up to ten percent (10%) of the total cost of the project.

(I) Remediation of contaminated lands to implement any of the projects listed in this subdivision, if there is, at least in part, no party responsible for remediation or the state is itself a responsible party.

(3) "Project" means a mixed-use housing and business development that is within one-third mile of a rail stop or bus transit stop that includes at least two of the following elements:

(A) Housing.

(B) Retail.

(C) Office space.

(b) The purpose of this section is to pay for public use facilities in order to improve the financial feasibility of private development projects located at rail or bus transit stations serving housing and employment centers, and thereby to increase rail or bus transit use.

(c)(1) The secretary shall develop a program for implementation by regional transportation planning agencies to develop public use facilities associated with transit stations as part of proposed projects that will increase rail or bus transit ridership in a cost-effective manner.

(2) A project shall be given preference under this section if it meets any of the following criteria:

(A) The project has received a density bonus from a local land use agency.

(B) The project includes a parking facility that is shared by rail or bus transit users and users of the proposed project. Higher priority shall be given to proposals that include paid parking.

(C) The project has reduced parking requirements due to the increased use of rail or bus transit resulting from close association with a rail or bus transit station. The parking requirements shall be at least thirty percent (30%) below the zoning in force for the six months prior to submittal of the grant application.

(3) Each application for a grant from a local public agency (including but not limited to cities, counties, cities and counties, transportation agencies, redevelopment agencies, and housing authorities) shall be accompanied by all of the following:

(A) A development plan for the rail or bus transit station and adjacent project, including, but not limited to, a description of the involvement of private developers willing to implement the development plan.

(B) A letter from the owner of the rail or bus transit station indicating a willingness to cooperate in implementation of the proposed project.

(C) Station area zoning and densities allowed at the rail or bus transit station and the immediately surrounding area. Zoning and densities shall be at a level that will promote cost-effective development.

(d) Each public agency receiving a grant for a project that includes housing pursuant to this section shall assure that not less than twenty percent (20%) of the money is for projects that dedicate at least twenty-five percent (25%) of their units for housing for persons and families of low or moderate income, as defined in Section 50093 of the Health and Safety Code. Highest priority shall be given to grant applications that include a commitment for matching contributions for local agency programs that provide incentives to construct this and other types of housing.

(e) At least fifty percent (50%) of the money available pursuant to this section shall be expended for housing projects that meet the other requirements of this section.

(f) The secretary shall adopt regulations to implement this section, including a definition of "peak traffic congestion period." Those regulations shall not be subject to review or approval of the Office of Administrative Law or subject to any other requirement of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 4. Section 13985 is added to the Government Code, to read:

13985. (a) The money in the Traffic Congestion Relief and Safe School Bus Trust Fund, which is created in the State Treasury by Section 7105 of the Revenue and Taxation Code, shall be transferred to the General Fund by the Controller if the aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year, is less than the aggregate amount of General Fund revenues for the previous fiscal year, as specified in the budget submitted by the Governor pursuant to Section 12 of Article IV of the California Constitution in the current fiscal year. In the event that a transfer of money to the General Fund pursuant to this subdivision is necessary, the Department of Finance shall determine the amount to be transferred to the General Fund, and shall notify the Controller in writing as to the amount, the timing of the transfer, and the applicable time period affected by the transfer.

(b) The Controller shall reduce the total amount of money transferred to the Traffic Congestion Relief and Safe School Bus Trust Fund by the Controller in any fiscal year if the aggregate amount of General Fund revenues for the current fiscal year, as projected by the Governor in a report to the Legislature in May of the current fiscal year is not projected to increase compared to the previous fiscal year in an amount equal to the amount of money to be transferred to the fund in accordance with this section. Reductions in money transferred to the fund due to operation of this subdivision shall be allocated in proportion to the percentage of money in the fund allocated to each account in subdivision (b) of Section 7105 of the Revenue and Taxation Code and the Transportation Impacts Mitigation Trust Fund. In the event that a reduction of the money to be transferred to the Traffic Congestion Relief and Safe School Bus Trust Fund from the General Fund by the Controller is necessary pursuant to this subdivision, the Department of Finance shall determine the amount of the reduction and shall notify the Controller in writing as to the amount, the timing of the transfer, and the applicable time period affected by the transfer.

(c) Money in the Traffic Congestion Relief and Safe School Bus Trust Fund in the State Treasury may be allocated only in accordance with Section 7105 of the Revenue and Taxation Code, this section, Sections 164.57, 164.58, and 894.5 of the Streets and Highways Code, and Chapter 7 (commencing with Section 99571) of Part 11 of Division 10 of the Public Utilities Code.

(d) In a fiscal year in which a particular project allocated money by paragraph (1), (3), (5), (6), or (11) of subdivision (b) of Section 7105 of the Revenue and Taxation Code for a limited number of years does not receive all or part of its allocation due to the operation of this section, each project that did not receive its full allocation in that fiscal year shall receive a replacement allocation in subsequent fiscal years for each fiscal year it did not receive an allocation. The replacement allocation shall be made at the end of the period specified in Section 7105 of the Revenue and Taxation Code that allocations are made to the particular project. The replacement allocations shall be in the same amount that would have otherwise been allocated. Replacement allocations shall be made in as many sequential fiscal years as are needed to compensate for the allocations that were not made during the fiscal years in which the allocation otherwise would have been made. The intent of this subdivision is to be sure that each project specified in paragraphs (1), (3), (5), (6), or (11) of subdivision (b) of Section 7105 of the Revenue and Taxation Code receives all the funds it would have received if subdivision (a) and (b) of this section had not been in operation.

PROPOSITION 51 (cont.)

SEC. 5. Section 14556.40 of the Government Code is amended to read:

14556.40. (a) The following projects are eligible for grants from the fund for the purposes and amounts specified:

(1) BART to San Jose; extend BART from Fremont to Downtown San Jose in Santa Clara and Alameda Counties. Seven hundred twenty-five million dollars (\$725,000,000). The lead applicant is the Santa Clara Valley Transportation Authority.

(2) ~~Fremont South Bay Commuter Rail; acquire rail line and start commuter rail service between Fremont and San Jose in Santa Clara and Alameda Counties. BART to San Jose; extend BART from Fremont to Downtown San Jose in Santa Clara and Alameda Counties.~~ Thirty-five million dollars (\$35,000,000). The lead applicant is the Santa Clara Valley Transportation Authority.

(3) Route 101; widen freeway from four to eight lanes south of San Jose, Bernal Road to Burnett Avenue in Santa Clara County. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the Santa Clara Valley Transportation Authority.

(4) Route 680; add northbound HOV lane over Sunol Grade, Milpitas to Route 84 in Santa Clara and Alameda Counties. Sixty million dollars (\$60,000,000). The lead applicant is the department or the Alameda County Congestion Management Agency.

(5) Route 101; add northbound lane to freeway through San Jose, Route 87 to Trimble Road in Santa Clara County. Five million dollars (\$5,000,000). The lead applicant is the department or the Santa Clara Valley Transportation Authority.

(6) Route 262; major investment study for cross connector freeway, Route 680 to Route 880 near Warm Springs in Santa Clara County. One million dollars (\$1,000,000). The lead applicant is the department or the Santa Clara Valley Transportation Authority.

(7) CalTrain; expand service to Gilroy; improve parking, stations, and platforms along UPRR line in Santa Clara County. Fifty-five million dollars (\$55,000,000). The lead applicant is Santa Clara Valley Transportation Authority.

(8) Route 880; reconstruct Coleman Avenue Interchange near San Jose Airport in Santa Clara County. Five million dollars (\$5,000,000). The lead applicant is the department or the Santa Clara Valley Transportation Authority.

(9) Capitol Corridor; improve intercity rail line between Oakland and San Jose, and at Jack London Square and Emeryville stations in Alameda and Santa Clara Counties. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the Capitol Corridor Joint Powers Authority.

(10) Regional Express Bus; acquire low-emission buses for new express service on HOV lanes regionwide. In nine counties. Forty million dollars (\$40,000,000). The lead applicant is the Metropolitan Transportation Commission.

(11) San Francisco Bay Southern Crossing; complete feasibility and financial studies for new San Francisco Bay crossing (new bridge, HOV/transit bridge, terminal connection, or second BART tube) in Alameda and San Francisco or San Mateo Counties. Five million dollars (\$5,000,000). The lead applicant is the department or the Metropolitan Transportation Commission.

(12) Bay Area Transit Connectivity; complete studies of, and fund related improvements for, the I-580 Livermore Corridor; the Hercules Rail Station and related improvements, West Contra Costa County and Route 4 Corridors in Alameda and Contra Costa Counties. Seventeen million dollars (\$17,000,000). Of the amount specified, seven million dollars (\$7,000,000) shall be made available for the Route 4 Corridor study and improvements, seven million dollars (\$7,000,000) shall be made available for the I-580 Corridor study and improvements, and three million dollars (\$3,000,000) shall be made available for the Hercules Rail Station study and improvements. The lead applicant for the Hercules Rail Station and related improvements in west Contra Costa County is the Contra Costa County Transportation Authority. The lead applicants, for the I-580 Livermore Study and improvements are the Alameda County Congestion Management Authority and the San Francisco Bay Area Rapid Transit District. The lead applicants for the Route 4 Corridor study and improvements are the Contra Costa County Transportation Authority and the San Francisco Bay Area Rapid Transit District.

(13) CalTrain Peninsula Corridor; acquire rolling stock, add passing tracks, and construct pedestrian access structure at stations between San Francisco and San Jose in San Francisco, San Mateo, and Santa Clara Counties. One hundred twenty-seven million dollars (\$127,000,000). The lead applicant is the Peninsula Joint Powers Board.

(14) CalTrain; extension to Salinas in Monterey County. Twenty million dollars (\$20,000,000). The lead applicant is the Transportation Agency for Monterey County.

(15) Route 24; Caldecott Tunnel; add fourth bore tunnel with additional lanes in Alameda and Contra Costa Counties. Twenty million dollars (\$20,000,000). The lead applicant is the department or the Metropolitan Transportation Commission.

(16) Route 4; construct one or more phases of improvements to widen freeway to eight lanes from Railroad through Loveridge Road, including two high-occupancy vehicle lanes, and to six or more lanes from east of Loveridge Road through Hillcrest. Thirty-nine million dollars (\$39,000,000). The lead applicant is the Contra Costa Transportation Authority.

(17) Route 101; add reversible HOV lane through San Rafael, Sir Francis Drake Boulevard to North San Pedro Road in Marin County. Fifteen million dollars (\$15,000,000). The lead applicant is the department or the Marin Congestion Management Agency.

(18) Route 101; widen eight miles of freeway to six lanes, Novato to Petaluma (Novato Narrows) in Marin and Sonoma Counties. Twenty-one million dollars (\$21,000,000). The lead applicant is the department or the Sonoma County Transportation Authority.

(19) Bay Area Water Transit Authority; establish a regional water transit system beginning with Treasure Island in the City and County of San Francisco. Two million dollars (\$2,000,000). The lead applicant is the Bay Area Water Transit Authority.

(20) San Francisco Muni Third Street Light Rail; extend Third Street line to Chinatown (tunnel) in the City and County of San Francisco. One hundred forty million dollars (\$140,000,000). The lead applicant is the San Francisco Municipal Transportation Agency.

(21) San Francisco Muni Ocean Avenue Light Rail; reconstruct Ocean Avenue light rail line to Route 1 near California State University, San Francisco, in the City and County of San Francisco. Seven million dollars (\$7,000,000). The lead applicant is the San Francisco Municipal Transportation Agency.

(22) Route 101; environmental study for reconstruction of Doyle Drive, from Lombard St./Richardson Avenue to Route 1 Interchange in City and County of San Francisco. Fifteen million dollars (\$15,000,000). The lead applicant is the department or the San Francisco County Transportation Authority.

(23) CalTrain Peninsula Corridor; complete grade separations at Poplar Avenue (San Mateo), 25th Avenue or vicinity (San Mateo), and Linden Avenue (South San Francisco) in San Mateo County. Fifteen million dollars (\$15,000,000). The lead applicant is the San Mateo County Transportation Authority.

(24) Vallejo Baylink Ferry; acquire low-emission ferryboats to expand Baylink Vallejo-San Francisco service in Solano County. Five million dollars (\$5,000,000). The lead applicant is the City of Vallejo.

(25) I-80/I-680/Route 12 Interchange in Fairfield in Solano County; 12 interchange complex in seven stages (Stage 1). Thirteen million dollars (\$13,000,000). The lead applicant is the department or the Solano Transportation Authority.

(26) ACE Commuter Rail; add siding on UPRR line in Livermore Valley in Alameda County. One million dollars (\$1,000,000). The lead applicant is the Alameda County Congestion Management Authority.

(27) Vasco Road Safety and Transit Enhancement Project in Alameda and Contra Costa Counties. Eleven million dollars (\$11,000,000). The lead applicant is Alameda County Congestion Management Authority.

(28) Parking Structure at Transit Village at Richmond BART Station in Contra Costa County. Five million dollars (\$5,000,000). The lead applicant is the City of Richmond.

(29) AC Transit; buy two fuel cell buses and fueling facility for demonstration project in Alameda and Contra Costa Counties. Eight million dollars (\$8,000,000). The lead applicant is the Alameda Contra Costa Transit District.

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(30) Implementation of commuter rail passenger service from Cloverdale south to San Rafael and Larkspur in Marin and Sonoma Counties. Thirty-seven million dollars (\$37,000,000). The lead applicant is the Sonoma-Marina Area Transit Authority.

(31) Route 580; construct eastbound and westbound HOV lanes from Tassajara Road/Santa Rita Road to Vasco Road in Alameda County. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the Alameda County Congestion Management Authority.

(32) North Coast Railroad; repair and upgrade track to meet Class II (freight) standards in Napa, Sonoma, Marin, Mendocino and Humboldt Counties. Sixty million dollars (\$60,000,000). The lead applicant is the North Coast Rail Authority. Except for the amounts specified in paragraph (1) of subdivision (a) and subdivision (b) of Section 14456.50, no part of the specified amount may be made available to the authority until it has made a full accounting to the commission demonstrating that the expenditure of funds provided to the authority in the Budget Act of 2000 (Chapter 52 of the Statutes of 2000) was consistent with the limitations placed on those funds in that Budget Act.

(33) Bus Transit; acquire low-emission buses for Los Angeles County MTA bus transit service. One hundred fifty million dollars (\$150,000,000). The lead applicant is the Los Angeles County Metropolitan Transportation Authority.

(34) Blue Line to Los Angeles; new rail line Pasadena to Los Angeles in Los Angeles County. Forty million dollars (\$40,000,000). The lead applicant is the Pasadena Metro Blue Line Construction Authority.

(35) Pacific Surfliner; triple track intercity rail line within Los Angeles County and add run-through-tracks through Los Angeles Union Station in Los Angeles County. One hundred million dollars (\$100,000,000). The lead applicant is the department.

(36) Los Angeles Eastside Transit Extension; build new light rail line in East Los Angeles, from Union Station to Atlantic via 1st Street to Lorena in Los Angeles County. Two hundred thirty-six million dollars (\$236,000,000). The lead applicant is the Los Angeles County Metropolitan Transportation Authority.

(37) Los Angeles Mid-City Transit Improvements; build Bus Rapid Transit system or Light Rail Transit in Mid-City/Westside/Exposition Corridors in Los Angeles County. Two hundred fifty-six million dollars (\$256,000,000). The lead applicant is the Los Angeles County Metropolitan Transportation Authority.

(38) Los Angeles-San Fernando Valley Transit Extension; (A) build an East-West Bus Rapid Transit system in the Burbank-Chandler corridor, from North Hollywood to Warner Center. One hundred forty-five million dollars (\$145,000,000). (B) Build a North-South corridor bus transit project that interfaces with the foregoing East-West Burbank-Chandler Corridor project and with the Ventura Boulevard Rapid Bus project. One hundred million dollars (\$100,000,000). The lead applicant for both extension projects is the Los Angeles County Metropolitan Transportation Authority.

(39) Route 405; add northbound HOV lane over Sepulveda Pass, Route 10 to Route 101 in Los Angeles County. Ninety million dollars (\$90,000,000). The lead applicant is the department or the Los Angeles County Metropolitan Transportation Authority.

(40) Route 10; add HOV lanes on San Bernardino Freeway over Kellogg Hill, near Pomona, Route 605 to Route 57 in Los Angeles County. Ninety million dollars (\$90,000,000). The lead applicant is the department or the Los Angeles County Metropolitan Transportation Authority.

(41) Route 5; add HOV lanes on Golden State Freeway through San Fernando Valley, Route 170 (Hollywood Freeway) to Route 14 (Antelope Valley Freeway) in Los Angeles County. Fifty million dollars (\$50,000,000). The lead applicant is the department or the Los Angeles County Metropolitan Transportation Authority.

(42) Route 5; widen Santa Ana Freeway to 10 lanes (two HOV + two mixed flow), Orange County line to Route 710, with related major arterial improvements, in Los Angeles County. One hundred twenty-five million dollars (\$125,000,000). The lead applicant is the department or the Los Angeles County Metropolitan Transportation Authority.

(43) Route 5; improve Carmenita Road Interchange in Norwalk in Los Angeles County. Seventy-one million dollars (\$71,000,000). The lead applicant is the department or the Los Angeles County Metropolitan Transportation Authority.

(44) Route 47 (Terminal Island Freeway); construct interchange at Ocean Boulevard Overpass in the City of Long Beach in Los Angeles County. Eighteen million four hundred thousand dollars (\$18,400,000). The lead applicant is the Port of Long Beach.

(45) Route 710; complete Gateway Corridor study, Los Angeles/Long Beach ports to Route 5 in Los Angeles County. Two million dollars (\$2,000,000). The lead applicant is the department.

(46) Route 1; reconstruct intersection at Route 107 in Torrance in Los Angeles County. Two million dollars (\$2,000,000). The lead applicant is the department or the Los Angeles County Metropolitan Transportation Authority.

(47) Route 101; California Street off-ramp in Ventura County. Fifteen million dollars (\$15,000,000). The lead applicant is the department or the City of San Buenaventura.

(48) Route 101; corridor analysis and PSR to improve corridor from Route 170 (North Hollywood Freeway) to Route 23 in Thousand Oaks (Ventura County) in Los Angeles and Ventura Counties. Three million dollars (\$3,000,000). The lead applicant is the department.

(49) Hollywood Intermodal Transportation Center; intermodal facility at Highland Avenue and Hawthorn Avenue in the City of Los Angeles. Ten million dollars (\$10,000,000). The lead applicant is the City of Los Angeles.

(50) Route 71; complete three miles of six-lane freeway through Pomona, from Route 10 to Route 60 in Los Angeles County. Thirty million dollars (\$30,000,000). The lead applicant is the department or the Los Angeles County Metropolitan Transportation Authority.

(51) Route 101/405; add auxiliary lane and widen ramp through freeway interchange in Sherman Oaks in Los Angeles County. Twenty-one million dollars (\$21,000,000). The lead applicant is the department or the Los Angeles County Metropolitan Transportation Authority.

(52) Route 405; add HOV and auxiliary lanes for 1 mile in West Los Angeles, from Waterford Avenue to Route 10 in Los Angeles County. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the Los Angeles County Metropolitan Transportation Authority.

(53) Automated Signal Corridors (ATSAC); improve 479 automated signals in Victory/Ventura Corridor, and add 76 new automated signals in Sepulveda Boulevard and Route 118 Corridors in Los Angeles County. Sixteen million dollars (\$16,000,000). The lead applicant is the City of Los Angeles.

(54) Alameda Corridor East; build grade separations on Burlington Northern-Santa Fe and Union Pacific Railroad lines, downtown Los Angeles to Los Angeles County line in Los Angeles County. One hundred fifty million dollars (\$150,000,000). The lead applicant is the San Gabriel Valley Council of Governments.

(55) Alameda Corridor East; build grade separations on Burlington Northern-Santa Fe and Union Pacific Railroad lines, with rail-to-rail separation at Colton through San Bernardino County. Ninety-five million dollars (\$95,000,000). The lead applicant is the San Bernardino Associated Governments.

(56) Metrolink; track and signal improvements on Metrolink; San Bernardino line in San Bernardino County. Fifteen million dollars (\$15,000,000). The lead applicant is the Southern California Regional Rail Authority.

(57) Route 215; add HOV lanes through downtown San Bernardino, Route 10 to Route 30 in San Bernardino County. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the San Bernardino County Transportation Commission.

(58) Route 10; widen freeway to eight lanes through Redlands, Route 30 to Ford Street in San Bernardino County. Ten million dollars (\$10,000,000). The lead applicant is the department or the San Bernardino County Transportation Commission.

(59) Route 10; Live Oak Canyon Interchange, including, but not limited to, the 14th Street Bridge over Wilson Creek, in the City of Yucaipa in San Bernardino County. Eleven million dollars (\$11,000,000). The lead applicant is the department or the San Bernardino County Transportation Commission.

(60) Route 15; southbound truck climbing lane at two locations in San Bernardino County. Ten million dollars (\$10,000,000). The lead



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applicant is the department or the San Bernardino County Transportation Commission.

(61) Route 10; reconstruct Apache Trail Interchange east of Banning in Riverside County. Thirty million dollars (\$30,000,000). The lead applicant is the department or the Riverside County Transportation Commission.

(62) Route 91; add HOV lanes through downtown Riverside, Mary Street to Route 60/215 junction in Riverside County. Forty million dollars (\$40,000,000). The lead applicant is the department or the Riverside County Transportation Commission.

(63) Route 60; add seven miles of HOV lanes west of Riverside, Route 15 to Valley Way in Riverside County. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the Riverside County Transportation Commission.

(64) Route 91; improve the Green River Interchange and add auxiliary lane and connector ramp east of the Green River Interchange to northbound Route 71 in Riverside County. Five million dollars (\$5,000,000). The lead applicant is the department or the Riverside County Transportation Commission.

(70) Route 22; add HOV lanes on Garden Grove Freeway, Route I-405 to Route 55 in Orange County. Two hundred six million five hundred thousand dollars (\$206,500,000). The lead applicant is the department or the Orange County Transportation Authority.

(73) Alameda Corridor East; (Orangethorpe Corridor) build grade separations on Burlington Northern-Santa Fe line, Los Angeles County line through Santa Ana Canyon in Orange County. Twenty-eight million dollars (\$28,000,000). The lead applicant is the Orange County Transportation Authority.

(74) Pacific Surfliner; double track intercity rail line within San Diego County, add maintenance yard in San Diego County. Forty-seven million dollars (\$47,000,000). The lead applicant is the department or North Coast Transit District.

(75) San Diego Transit Buses; acquire about 85 low-emission buses for San Diego transit service in San Diego County. Thirty million dollars (\$30,000,000). The lead applicant is the San Diego Metropolitan Transit Development Board.

(76) Coaster Commuter Rail; acquire one new train set to expand commuter rail in San Diego County. Fourteen million dollars (\$14,000,000). The lead applicant is North County Transit District.

(77) Route 94; complete environmental studies to add capacity to Route 94 corridor, downtown San Diego to Route 125 in Lemon Grove in San Diego County. Twenty million dollars (\$20,000,000). The lead applicant is the department or San Diego Association of Governments.

(78) East Village access; improve access to light rail from new in-town East Village development in San Diego County. Fifteen million dollars (\$15,000,000). The lead applicant is the San Diego Metropolitan Transit Development Board.

(79) North County Light Rail; build new 20-mile light rail line from Oceanside to Escondido in San Diego County. Eighty million dollars (\$80,000,000). The lead applicant is North County Transit District.

(80) Mid-Coast Light Rail; extend Old Town light rail line 6 miles to Balboa Avenue in San Diego County. Ten million dollars (\$10,000,000). The lead applicant is the San Diego Metropolitan Transit Development Board.

(81) San Diego Ferry; acquire low-emission high-speed ferryboat for new off-coast service between San Diego and Oceanside in San Diego County. Five million dollars (\$5,000,000). The lead applicant is the Port of San Diego.

(82) Routes 5/805; reconstruct and widen freeway interchange, Genesee Avenue to Del Mar Heights Road in San Diego County. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the San Diego Association of Governments.

(83) Route 15; add high-tech managed lane on I-15 freeway north of San Diego (Stage 1) from Route 163 to Route 78 in San Diego County. Seventy million dollars (\$70,000,000). The lead applicant is the department or the San Diego Association of Governments.

(84) Route 52; build four miles of new six-lane freeway to Santee, Mission Gorge to Route 67 in San Diego County. Forty-five million dollars (\$45,000,000). The lead applicant is the department or the San Diego Association of Governments.

(85) Route 56; construct approximately five miles of new freeway alignment between I-5 and I-15 from Carmel Valley to Rancho Penasquitos in the City of San Diego in San Diego County. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the San Diego Association of Governments.

(86) Route 905; build new six-lane freeway on Otay Mesa, Route 805 to Mexico Port of Entry in San Diego County. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the San Diego Association of Governments.

(87) Routes 94/125; build two new freeway connector ramps at Route 94/125 in Lemon Grove in San Diego County. Sixty million dollars (\$60,000,000). The lead applicant is the department or the San Diego Association of Governments.

(88) Route 5; realign freeway at Virginia Avenue, approaching San Ysidro Port of Entry to Mexico in San Diego County. Ten million dollars (\$10,000,000). The lead applicant is the department or the San Diego Association of Governments.

(89) Route 99; improve Shaw Avenue Interchange in northern Fresno in Fresno County. Five million dollars (\$5,000,000). The lead applicant is the department or the Council of Fresno County Governments.

(90) Route 99; widen freeway to six lanes, Kingsburg to Selma in Fresno County. Twenty million dollars (\$20,000,000). The lead applicant is the department or the Council of Fresno County Governments.

(91) Route 180; build new expressway east of Clovis, Clovis Avenue to Temperance Avenue in Fresno County. Twenty million dollars (\$20,000,000). The lead applicant is the department or the Council of Fresno County Governments.

(92) San Joaquin Corridor; improve track and signals along San Joaquin intercity rail line near Hanford in Kings County. Ten million dollars (\$10,000,000). The lead applicant is the department.

(93) Route 180; complete environmental studies to extend Route 180 westward from Mendota to I-5 in Fresno County. Seven million dollars (\$7,000,000). The lead applicant is the department or the Council of Fresno County Governments.

(94) Route 43; widen to four-lane expressway from Kings County line to Route 99 in Selma in Fresno County. Five million dollars (\$5,000,000). The lead applicant is the department or the Council of Fresno County Governments.

(95) Route 41; add auxiliary lane/operational improvements and improve ramps at Friant Road Interchange in Fresno in Fresno County. Ten million dollars (\$10,000,000). The lead applicant is the department or the Council of Fresno County Governments.

(96) Friant Road; widen to four lanes from Copper Avenue to Road 206 in Fresno County. Ten million dollars (\$10,000,000). The lead applicant is the County of Fresno.

(97) Operational improvements on Shaw Avenue, Chestnut Avenue, Willow Avenue, and Barstow Avenue near California State University at Fresno in Fresno County. Ten million dollars (\$10,000,000). The lead applicant is the California State University at Fresno. Of the amount authorized under this paragraph, the sum of two million dollars (\$2,000,000) shall be transferred to the California State University at Fresno for the purposes of funding preliminary plans, working drawings, or both of those, and related program management costs for the Fresno Events Center.

(98) Peach Avenue; widen to four-lane arterial and add pedestrian overcrossings for three schools in Fresno County. Ten million dollars (\$10,000,000). The lead applicant is the City of Fresno.

(99) San Joaquin Corridor; improve track and signals along San Joaquin intercity rail line in seven counties. Fifteen million dollars (\$15,000,000). The lead applicant is the department.

(100) San Joaquin Valley Emergency Clean Air Attainment Program; incentives for the reduction of emissions from heavy-duty diesel engines operating within the eight-county San Joaquin Valley region. Twenty-five million dollars (\$25,000,000). The lead applicant is the San Joaquin Valley Unified Air Pollution Control District.

(101) Santa Cruz Metropolitan Transit District bus fleet; acquisition of low-emission buses. Three million dollars (\$3,000,000). The lead applicant is the Santa Cruz Metropolitan Transit District.

(102) Route 101 access; State Street smart corridor Advanced Traffic Corridor System (ATSC) technology in Santa Barbara County. One

PROPOSITION 51 (cont.)

million three hundred thousand dollars (\$1,300,000). The lead applicant is the City of Santa Barbara.

(103) Route 99; improve interchange at Seventh Standard Road, north of Bakersfield in Kern County. Eight million dollars (\$8,000,000). The lead applicant is the department or Kern Council of Governments.

(104) Route 99; build seven miles of new six-lane freeway south of Merced, Buchanan Hollow Road to Healey Road in Merced County. Five million dollars (\$5,000,000). The lead applicant is the department or the Merced County Association of Governments.

(105) Route 99; build two miles of new six-lane freeway, Madera County line to Buchanan Hollow Road in Merced County. Five million dollars (\$5,000,000). The lead applicant is the department or the Merced County Association of Governments.

(106) Campus Parkway; build new arterial in Merced County from Route 99 to Bellevue Road. Twenty-three million dollars (\$23,000,000). The lead applicant is the County of Merced.

(107) Route 205; widen freeway to six lanes, Tracy to I-5 in San Joaquin County. Twenty-five million dollars (\$25,000,000). The lead applicant is the department or the San Joaquin Council of Governments.

(108) Route 5; add northbound lane to freeway through Mossdale "Y", Route 205 to Route 120 in San Joaquin County. Seven million dollars (\$7,000,000). The lead applicant is the department or the San Joaquin Council of Governments.

(109) Route 132; build four miles of new four-lane expressway in Modesto from Dakota Avenue to Route 99 and improve Route 99 Interchange in Stanislaus County. Twelve million dollars (\$12,000,000). The lead applicant is the department or the Stanislaus Council of Governments.

(110) Route 132; build 3.5 miles of new four-lane expressway from Route 33 to the San Joaquin county line in Stanislaus and San Joaquin Counties. Two million dollars (\$2,000,000). The lead applicant is the department or the Stanislaus Council of Governments.

(111) Route 198; build 10 miles of new four-lane expressway from Route 99 to Hanford in Kings and Tulare Counties. Fourteen million dollars (\$14,000,000). The lead applicant is the department or the Kings County Association of Governments.

(112) Jersey Avenue; widen from 17th Street to 18th Street in Kings County. One million five hundred thousand dollars (\$1,500,000). The lead applicant is Kings County.

(113) Route 46; widen to four lanes for 33 miles from Route 5 to San Luis Obispo County line in Kern County. Thirty million dollars (\$30,000,000). The lead applicant is the department or the Kern Council of Governments.

(114) Route 65; add four passing lanes, intersection improvement, and conduct environmental studies for ultimate widening to four lanes from Route 99 in Bakersfield to Tulare County line in Kern County. Twelve million dollars (\$12,000,000). The lead applicant is the department or the Kern Council of Governments.

(115) South Line Light Rail; extend South Line three miles towards Elk Grove, from Meadowview Road to Calvine Road in Sacramento County. Seventy million dollars (\$70,000,000). The lead applicant is the Sacramento Regional Transit District.

(116) Route 80 Light Rail Corridor; double-track Route 80 light rail line for express service in Sacramento County. Twenty-five million dollars (\$25,000,000). The lead applicant is the Sacramento Regional Transit District.

(117) Folsom Light Rail; extend light rail tracks from 7th Street and K Street to the Amtrak Depot in downtown Sacramento, and extend Folsom light rail from Mather Field Station to downtown Folsom. Add a new vehicle storage and maintenance facility in the area between the Sunrise Boulevard and Hazel Avenue Stations in Sacramento County. Twenty million dollars (\$20,000,000). The lead applicant is the Sacramento Regional Transit District.

(118) Sacramento Emergency Clean Air/Transportation Plan (SECAT); incentive for the reduction of emissions from heavy-duty diesel engines operating within the Sacramento region. Fifty million dollars (\$50,000,000). The lead applicant is the Sacramento Area Council of Governments.

(119) Convert Sacramento Regional Transit bus fleet to low emission and provide Yolo bus service by the Yolo County Transportation District;

acquire approximately 50 replacement low-emission buses for service in Sacramento and Yolo Counties. Nineteen million dollars (\$19,000,000). The lead applicants are the Sacramento Regional Transit District, the Sacramento Area Council of Governments, and the Yolo Bus Authority.

(121) Metropolitan Bakersfield System Study; to reduce congestion in the City of Bakersfield. Three hundred fifty thousand dollars (\$350,000). The lead applicant is the Kern County Council of Governments.

(122) Route 65; widening project from 7th Standard Road to Route 190 in Porterville. Three million five hundred thousand dollars (\$3,500,000). The lead applicant is the County of Tulare.

(123) Oceanside Transit Center; parking structure. One million five hundred thousand dollars (\$1,500,000). The lead applicant is the City of Oceanside.

(126) Route 50/Watt Avenue Interchange; widening of overcrossing and modifications to interchange. Seven million dollars (\$7,000,000). The lead applicant is the County of Sacramento.

(127) Route 85/Route 87; interchange completion; addition of two direct connectors for southbound Route 85 to northbound Route 87 and southbound Route 87 to northbound Route 85. Three million five hundred thousand dollars (\$3,500,000). The lead applicant is the City of San Jose.

(128) Airport Road; reconstruction and intersection improvement project. Three million dollars (\$3,000,000). The lead applicant is the County of Shasta.

(129) Route 62; traffic and pedestrian safety and utility undergrounding project in right-of-way of Route 62. Three million two hundred thousand dollars (\$3,200,000). The lead applicant is the Town of Yucca Valley.

(133) Feasibility studies for grade separation projects for Union Pacific Railroad at Elk Grove Boulevard and Bond Road. One hundred fifty thousand dollars (\$150,000). The lead applicant is the City of Elk Grove.

(134) Route 50/Sunrise Boulevard; interchange modifications. Three million dollars (\$3,000,000). The lead applicant is the County of Sacramento.

(135) Route 99/Sheldon Road; interchange project; reconstruction and expansion. Three million dollars (\$3,000,000). The lead applicant is the County of Sacramento.

(138) Cross Valley Rail; upgrade track from Visalia to Huron. Four million dollars (\$4,000,000). The lead applicant is the Cross Valley Rail Corridor Joint Powers Authority.

(139) Balboa Park BART Station; phase I expansion. Six million dollars (\$6,000,000). The lead applicant is the San Francisco Bay Area Rapid Transit District.

(140) City of Goshen; overpass for Route 99. One million five hundred thousand dollars (\$1,500,000). The lead applicant is the department.

(141) Union City; pedestrian bridge over Union Pacific rail lines. Two million dollars (\$2,000,000). The lead applicant is the City of Union City.

(142) West Hollywood; repair, maintenance, and mitigation of Santa Monica Boulevard. Two million dollars (\$2,000,000). The lead applicant is the City of West Hollywood.

(144) Seismic retrofit of the national landmark Golden Gate Bridge. Five million dollars (\$5,000,000). The lead applicant is the Golden Gate Bridge, Highway and Transportation District.

(145) Construction of a new siding in Sun Valley between Sheldon Street and Sunland Boulevard. Six million five hundred thousand dollars (\$6,500,000). The lead applicant is the Southern California Regional Rail Authority.

(146) Construction of Palm Drive Interchange. Ten million dollars (\$10,000,000). The lead applicant is the Coachella Valley Association of Governments.

(148) Route 98; widening of 8 miles between Route 111 and Route 7 from 2 lanes to 4 lanes. Ten million dollars (\$10,000,000). The lead applicant is the department.

(149) Purchase of low-emission buses for express service on Route 17. Three million seven hundred fifty thousand dollars (\$3,750,000). The lead applicant is the Santa Cruz Metropolitan Transit District.

(150) Renovation or rehabilitation of Santa Cruz Metro Center. One million dollars (\$1,000,000). The lead applicant is the Santa Cruz Metropolitan Transit District.

(151) Purchase of 5 alternative fuel buses for the Pasadena Area Rapid Transit System. One million one hundred thousand dollars (\$1,100,000). The lead applicant is the Pasadena Area Rapid Transit System.

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(152) Pasadena Blue Line transit-oriented mixed-use development. One million five hundred thousand dollars (\$1,500,000). The lead applicant is the City of South Pasadena.

(153) Pasadena Blue Line utility relocation. Five hundred fifty thousand dollars (\$550,000). The lead applicant is the City of South Pasadena.

(154) Route 134/I-5 Interchange study. One hundred thousand dollars (\$100,000). The lead applicant is the department.

(156) Seismic retrofit and core segment improvements for the Bay Area Rapid Transit system. Twenty million dollars (\$20,000,000). The lead applicant is the San Francisco Bay Area Rapid Transit District.

(157) Route 12; Congestion relief improvements from Route 29 to I-80 through Jamison Canyon. Seven million dollars (\$7,000,000). The lead applicant is the department.

(158) Remodel the intersection of Olympic Boulevard, Mateo Street, and Porter Street and install a new traffic signal. Two million dollars (\$2,000,000). The lead applicant is the City of Los Angeles.

(159) Route 101; redesign and construction of Steele Lane Interchange. Six million dollars (\$6,000,000). The lead applicant is the department or the Sonoma County Transportation Authority.

(160) *The extension of CalTrain from its present northern terminal to the Transbay Terminal in San Francisco, and the reconstruction and modernization of the Transbay Terminal in San Francisco. The lead applicant is the Transbay Joint Powers Authority.*

(161) *Blue Line to Claremont; extend rail line Pasadena to Claremont in Los Angeles County. The lead applicant is the Pasadena Metro Blue Line Construction Authority.*

(b) As used in this section “route” is a state highway route as identified in Article 3 (commencing with Section 300) of Chapter 2 of Division 1 of the Streets and Highways Code.

SEC. 6. Section 164.56 of the Streets and Highways Code is amended to read:

164.56. (a) It is the intent of the Legislature to allocate ~~ten~~ twenty million dollars ~~(\$10,000,000)~~ (\$20,000,000) annually to the Environmental Enhancement and Mitigation Program Fund, which is hereby created.

(b) Local, state, and federal agencies and nonprofit entities may apply for and may receive grants, not to exceed five million dollars (\$5,000,000) for any single grant, to undertake environmental enhancement and mitigation projects that are directly or indirectly related to the environmental impact of modifying existing transportation facilities or for the design, construction, or expansion of new transportation facilities.

(c) Projects eligible for funding include, but are not limited to, all of the following:

(1) Highway landscaping and urban forestry projects designed to offset vehicular emissions of carbon dioxide.

(2) Acquisition or enhancement of resource lands to mitigate the loss of, or the detriment to, resource lands lying within the right-of-way acquired for proposed transportation ~~improvements~~ facilities.

(3) Roadside recreational opportunities, including roadside rests, trails, trailheads, and parks.

(4) Projects to mitigate the impact of proposed transportation facilities or to enhance the environment, where the ability to effectuate the mitigation or enhancement measures is beyond the scope of the lead agency responsible for assessing the environmental impact of the proposed transportation ~~improvement~~ facility.

(d) Grant proposals shall be submitted to the Resources Agency for evaluation in accordance with procedures and criteria ~~presented~~ adopted by the Resources Agency. The Resources Agency shall evaluate proposals submitted to it and prepare a list of proposals recommended for funding. The list may be revised at any time. Prior to including a proposal on the list, the Resources Agency shall make a finding that the proposal is eligible for funding pursuant to subdivision (f).

(e) Within the fiscal limitations of subdivisions (a) and (b), the commission shall annually award grants to fund proposals that are included on the list prepared by the Resources Agency pursuant to subdivision (d).

(f) Projects funded pursuant to this section shall be projects that contribute to mitigation of the environmental effects of transportation facilities, as provided for by Section 1 of Article XIX of the California Constitution.

(g) Notwithstanding Section 7550.5 of the Government Code, on or before December 31 of each year, the commission shall provide the

Assembly Committee on Budget and the Senate Committee on Budget and Fiscal Review with a list of projects funded from the Environmental Enhancement and Mitigation Program during the previous fiscal year and a copy of the most recent criteria for allocating grants pursuant to this section.

SEC. 7. Section 164.57 is added to the Streets and Highways Code, to read:

164.57. (a) *The Transportation Impacts Mitigation Trust Fund is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, all money in the trust fund is continuously appropriated to the Resources Agency, without regard to fiscal years, for expenditure by the Secretary of the Resources Agency in accordance with this section and paragraph (6) of subdivision (b) of Section 7105 of the Revenue and Taxation Code.*

(b)(1) *Local and state agencies, public agencies, and nonprofit organizations may apply for grants from the Resources Agency to undertake environmental enhancement and mitigation projects that are directly or indirectly related to the environmental impact of existing transportation facilities; the design, construction, or expansion of new transportation facilities; or the modification of existing transportation facilities.*

(2) As used in this section, “nonprofit organization” means any nonprofit public benefit corporation formed pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code), qualified to do business in California, and qualified under Section 501(c)(3) of the United States Internal Revenue Code, and which has among its primary purposes the creation and improvement of urban parks, or the preservation, protection, or enhancement of land or water resources in their natural, scenic, historical, agricultural, forested, or open-space condition or use.

(c) Projects eligible for funding include, but are not limited to, all of the following:

(1) Highway landscaping and urban forestry projects, as authorized by the California Urban Forestry Act of 1978 (Chapter 2 (commencing with Section 4799.06) of Part 2.5 of Division 4 of the Public Resources Code) designed to offset vehicular emissions of carbon dioxide.

(2) Acquisition or enhancement of resource lands to mitigate the loss of, or the detriment to, resource lands lying within or near the right-of-way acquired for proposed transportation facilities.

(3) Roadside recreational opportunities, including roadside rests, trails (including bicycle trails), trailheads, and parks.

(4) Projects to mitigate, or which contribute to the mitigation of, the direct or indirect impacts of proposed transportation facilities or to enhance the environment, where the ability to effectuate the mitigation or enhancement measures is beyond the authority of the lead agency responsible for assessing the environmental impact of the proposed transportation facility.

(5) Acquisition or enhancement of wildlife corridors and habitat linkages to mitigate the habitat fragmentation impacts of the expansion of transportation facilities.

(6) Projects to protect wildlife, recreational, or open-space resources from the cumulative impacts of the expansion of transportation facilities.

(7) Acquisition and development of river parkway projects along any river that is crossed by a public street or highway, and any river parkway project with a bikeway or other recreational trail that provides public access to a river. Not less than ten percent (10%) of the money in the trust fund shall be expended for river parkway projects pursuant to this paragraph. Specific projects meeting the specifications of this paragraph that are authorized by paragraph (6) of subdivision (b) of Section 7105 of the Revenue and Taxation Code shall be counted toward this requirement.

(8) Acquisition and development of any urban park in an urbanized area affected by population growth or daily commuter traffic resulting from a transportation facility.

(9) Acquisition and protection of agricultural lands, grazing lands, or other open-space lands constituting the viewshed of a public street or highway.

(d) Grant proposals shall be submitted to the Resources Agency quarterly for evaluation in accordance with procedures and criteria adopted by the Resources Agency. These procedures and criteria shall not be subject to the review or approval of the Office of Administrative Law or subject to any other requirement of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) Sixty percent (60%) of the money in the trust fund shall be expended in County Group 2 and forty percent (40%) shall be expended in County Group 1. This calculation shall be made after expenditures from the trust fund for

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projects listed in paragraph (6) of subdivision (b) of Section 7105 of the Revenue and Taxation Code are made.

(f) In order to provide visual amenities for users of roads and highways, buffers between transportation and other land uses, weed abatement, repression of noxious non-native plants, prevention of fires which can cause road closures and safety hazards, and to prevent dumping on unused land which can result in hazardous material being blown on to the roadways, the Resources Agency shall allocate funds to the Department of Food and Agriculture pursuant to subparagraph (A) of paragraph (6) of subdivision (b) of Section 7105 of the Revenue and Taxation Code to make grants to local public agencies or nonprofit organizations in San Bernardino, Riverside, Orange, and San Diego Counties for the acquisition of agricultural easements or other interests in land within one-quarter mile of state or interstate highways and locally designated significant roads in or near urban or urbanizing areas for the purpose of maintaining land adjacent and nearby roads and highways in agricultural use. These grants may also be used to provide infrastructure necessary to allow these lands to be used for agricultural purposes and for land rents to make agriculture along roads and highways economically viable. Infrastructure may include providing water facilities and purchasing water, with first preference to reclaimed water, facilities for the collection of water runoff and tailwater, pollution control facilities; electricity including solar photovoltaic generation; roadside stands to sell locally grown produce; and informational displays to interpret agriculture for motorists. The Department of Food and Agriculture shall work with applicants to develop this program in a way that makes it possible for small farmers to participate in the program. For purposes of this subdivision, in addition to the definition in subdivision (b) of Section 51201 of the Government Code, "agricultural use" includes the cultivation of native or ornamental plants, nursery activities, and the raising, keeping, and use of animals.

(g) The Department of Transportation shall allow the use of its lands for agricultural purposes unless prevented from doing so due to safety or environmental considerations, or if the lands are expected to be needed for transportation purposes within five years.

(h) Money in the trust fund may be expended in compliance with the requirements of a habitat conservation plan, natural community conservation plan, multiple species conservation plan, or any similar plan if the other requirements of this section are met.

(i) Money appropriated, expended, or transferred pursuant to this section 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.

(j) At least twenty percent (20%) of the money from the trust fund shall be expended within the counties that are members of the Metropolitan Transportation Commission. This calculation shall be made after expenditures from the trust fund for projects listed in paragraph (6) of subdivision (b) of Section 7105 of the Revenue and Taxation Code are made.

(k) Notwithstanding Section 13340 of the Government Code or any other provision of this section, twenty-five percent (25%) of the money from the trust fund is continuously appropriated to, and shall be available each year to the State Coastal Conservancy for expenditure for the purposes of subdivision (c). This calculation shall include expenditures from the trust fund made pursuant to paragraph (6) of subdivision (b) of Section 7105 of the Revenue and Taxation Code. This allocation is made to reduce the many effects of transportation facilities such as State Routes 1, 101, and other roads that impact the resources of the coastal zone.

(l) If the Secretary for Resources approves a project for funding under subdivision (b) that was submitted by an agency within the Resources Agency for implementation either directly or through a grant to a public agency or nonprofit organization, then the provisions of this subdivision shall apply. In such cases, the Secretary may notify the Controller of the amount of funds to be allocated to the agency from funds deposited in the Transportation Impacts Mitigation Trust Fund in that fiscal year, and the Controller shall disburse that amount of money to the agency in same manner as if the money were appropriated to that agency by this section.

SEC. 8. Section 164.58 is added to the Streets and Highways Code, to read:

164.58. (a) The Transportation Water Quality Account is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, all money in the account is continuously appropriated, without regard to fiscal years, for expenditure in accordance with this section. The account shall be allocated by the State Water Resources Control Board solely for funding capital outlay projects and grants that prevent, reduce, remediate, or mitigate the adverse environmental impacts of motor vehicles and facilities used by motor vehicles on

the quality of California's waters and riparian habitats, through the acquisition, protection, restoration, and enhancement of streams, creeks, marshlands, diked lands, ponds, submerged and tidal lands, wetlands, and watersheds, subject to the following criteria and priorities:

(1) The account may be used only for projects and grants that are consistent with the adopted plans of the applicable regional water quality control board, applicable watershed management programs, or other adopted plans that identify goals, objectives, and implementation strategies for achieving compliance with this chapter and related statutes, including, but not limited to, Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code, Article 4 (commencing with Section 13160) of Chapter 3 of, and Chapter 5.6 (commencing with Section 13390) of, Division 7 of the Water Code, and Division 2 (commencing with Section 2001) of the Public Resources Code.

(2) The account may not be used to support projects or activities that are required as part of any permit, license, or entitlement, other than a permit or license that is required of a project whose purpose is to implement the purposes of this section.

(3) Priority shall be given to those projects and grants that most effectively accomplish the purposes of this section through the long-term protection, restoration, and enhancement of the natural environment.

(4) Projects and grants that are eligible for funding include, but are not limited to, all of the following:

(A) Nonpoint source pollution treatment and pollution reduction projects such as constructed, restored, and enhanced wetlands, marshlands, diked lands, ponds, streams, creeks, vegetated channels, and watersheds.

(B) Hydrologic modifications to improve natural stream functions such as removal of channel barriers and restoration of floodplain and low-flow channels, and to control erosion by restoring abandoned roads to more natural conditions, correcting design deficiencies of existing roads and culverts, and stabilizing stream banks.

(C) Acquisition of riparian buffers, wetlands, and watershed lands to protect, restore, and enhance the functioning of riparian and associated habitats and to protect, restore, and enhance the movement of fish and wildlife within and between those habitats.

(D) Acquisition of land and conservation easements to protect or facilitate the restoration of watersheds and habitats impacted by motor vehicles and motor vehicle facilities.

(E) Not more than ten percent (10%) of the money in the account may be expended by the board for research and education to improve scientific and public understanding of the impacts of motor vehicles, facilities used by motor vehicles, and related infrastructure on water quality, habitats, and the movement of fish and wildlife within and between those habitats, as well as the most effective projects and management practices for preventing, reducing, remediating, or mitigating those impacts.

(b) Sixty percent (60%) of the money in Transportation Water Quality Account shall be expended in County Group 2 and forty percent (40%) shall be expended in County Group 1. At least one-third of the money expended in County Group 2 shall be allocated to the Santa Ana Water Project Authority by the board for expenditure in the watershed of the Santa Ana River.

(c) Notwithstanding the requirements of subdivisions (a) and (b), the first priority for expenditure of money from the account shall be for the following:

(1) To the County of Orange, five hundred thousand dollars (\$500,000) per year for maintenance and repair of water quality facilities within the Upper Newport Bay Ecological Reserve. This work will help mitigate the impact of pollutants generated from state and local transportation facilities within the Upper Newport Bay watershed.

(2) To the Irvine Ranch Water District, five hundred thousand dollars (\$500,000) per year for maintenance and repair of water quality facilities within the San Diego Creek watershed. This work will help mitigate the impact of pollutants generated from state and local transportation facilities within the San Diego Creek watershed.

(3) To the State Coastal Conservancy, five hundred thousand dollars (\$500,000) for the 2003–2004 fiscal year, for a grant to a nonprofit organization one of whose principal purposes is protection of coastal water quality, for acquisition of equipment to monitor and analyze coastal waters for pollutants that originate from runoff from roads in coastal watersheds.

SEC. 9. Section 164.59 is added to the Streets and Highways Code, to read:

164.59. (a) Notwithstanding any other provision of this code or the Water Code, if the use of recycled water meets the requirements of the State Department of Health Services, the Department of Transportation and its

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contractors shall use recycled wastewater for all irrigation purposes unless the local water agency, water district, city, city and county, or other agency supplying recycled wastewater is unable or unwilling to supply recycled wastewater to the Department of Transportation.

(b) In order to comply with the requirements of Section 42241 of the Public Resources Code, subdivision (c) of Section 12205 of the Public Contract Code, and the procurement requirements of the federal Resource Conservation and Recovery Act (P.L. 95-580) as set forth in 42 U.S.C. Sec. 6962, at least fifty percent (50%) of all compost, co-compost, and mulch products purchased by the department and its contractors shall be recycled products derived from organic materials. In making the determination whether to purchase recycled compost, co-compost, and mulch products, the department and its contractors shall make a maximum effort to use these products. The California Transportation Commission may reverse the decision of the department not to purchase recycled compost, co-compost, and mulch products on any highway segment.

SEC. 10. Section 894.5 is added to the Streets and Highways Code, to read:

894.5. (a)(1) Five percent (5%) of the funds in the Bicycle Efficiency Account in the Traffic Congestion Relief and Safe School Bus Trust Fund, created by paragraph (9) of subdivision (b) of Section 7105 of the Revenue and Taxation Code, shall be allocated by the Controller to the State Department of Health Services, to be used for bicycle education, safety, and promotion programs, in partnership with the University of California through the Physical Activity and Health Initiative, or any successor to that program.

(2) Ninety-five percent (95%) of the money in the Bicycle Efficiency Account shall be allocated by the Controller on a per capita basis to the regional transportation planning agencies for bicycle projects that primarily benefit bicycle commuters or students traveling to K-12 schools, colleges, or universities, rather than recreational users; and on the basis of whether the project increases the efficiency or safety of bicycle travel.

(3) Regional transportation planning agencies may expend this money for the following purposes:

(A) Striping or restriping highway lanes or widening outside lanes to better accommodate bicycles; or building highway bicycle lanes. Highest priority shall be given to projects on arterial streets.

(B) Converting streets from one way to two way to better accommodate bicyclists.

(C) Signage and stenciling to indicate the right of bicyclists to use the roadway.

(D) Bicycle parking devices; racks, carriages and other means of storing bicycles on buses, trains or ferries; facilities to improve bicycle parking, bicycle rental availability, or bicycle repair services at or near transit stops; and other facilities such as showers, changing rooms, and bicycle storage facilities at places of employment, schools, or other destinations for commuter cyclists.

(E) Marking, adjusting, or replacing traffic signal actuation devices, such as inductive loops, to improve detection of bicycles.

(F) Implementation of training programs and instructional materials intended to teach bicyclists how to operate their bicycles as vehicles on public roadways and to inform the general public about the needs, rights, and responsibilities of bicyclists.

(G) Other projects intended to directly benefit bicycle commuters or students using public highways.

(4) Regional transportation planning agencies may spend up to twenty percent (20%) of the money received pursuant to paragraph (2) on the planning, design, maintenance, right-of-way acquisition or construction of paved multi-use paths meeting the standards for Class I bikeway if the bikeways are primarily used to reduce trips that would be otherwise taken in motor vehicles. A bikeway funded wholly or in part under paragraph (2) is not a trail for the purposes of Section 831.4 of the Government Code.

(b)(1) Money in the Pedestrian Account in the Traffic Congestion Relief and Safe School Bus Trust Fund, created by paragraph (10) of subdivision (b) of Section 7105 of the Revenue and Taxation Code, shall be allocated by the Controller on a per capita basis to the regional transportation planning agencies for sidewalk and rural walkway projects that primarily benefit pedestrians.

(2) A sidewalk project shall be eligible for funding only if it is in an urbanized area, with the highest priority given to projects that complete gaps in existing sidewalks with significant pedestrian traffic. Repair of an existing sidewalk is not eligible for funding pursuant to this subdivision.

(3) A rural walkway project shall be eligible for funding only if it is along a road that is heavily used by pedestrians or bicycling children on a suggested route

to school, or if the project is in support of public transit use and is within one-third mile of a transit stop in a rural area.

(4) High priority for funding for pedestrian projects shall be given to projects that are eligible for the "Safe Routes to School" construction program established under Section 2333.5.

(c) If a regional transportation planning agency does not encumber money received for bicycle or pedestrian projects pursuant to this section within seven years, the money shall be returned to the account from which it came, and shall be redistributed in accordance with this section.

(d) No money from the account may be used on any project that increases the motor vehicle capacity of a highway, street, or road.

SEC. 11. Section 2106 of the Streets and Highways Code is amended to read:

2106. (a) A sum equal to the net revenue derived from one and four one-hundredths cent (\$0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301) of Division 2 of the Revenue and Taxation Code) shall be apportioned monthly from the Highway Users Tax Account in the Transportation Tax Fund among the counties and cities as follows:

~~(a)(1)~~ Four hundred dollars (\$400) per month shall be apportioned to each city and city and county and eight hundred dollars (\$800) per month shall be apportioned to each county and city and county.

~~(b)(1)(2)~~ Commencing on July 31, 2001, and on the last day of each month after that date, ~~to and including June 30, 2006~~, the sum of not less than six hundred thousand dollars (\$600,000) per month shall be transferred to the Bicycle Transportation Account in the State Transportation Fund.

~~(2)~~ After June 30, 2006, the sum of four hundred sixteen thousand six hundred sixty-seven dollars (\$416,667) shall be transferred on the last day of each month after that date to the Bicycle Transportation Account in the State Transportation Fund.

~~(c)~~ (3) The balance shall be apportioned, as follows:

~~(1)(A)~~ A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

~~(2)(B)~~ For each county, the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property, for purposes of this computation, shall be that most recently used for countywide tax levies as reported to the Controller by the State Board of Equalization. If an incorporation or annexation is legally completed following the base sum computation, the new city's assessed valuation shall be deducted from the county's assessed valuation, the estimate of which may be provided by the State Board of Equalization.

~~(3)(C)~~ The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all the cities in the county. Populations used for determining apportionment of money under Section 2107 are to be used for purposes of this section.

(b) The Legislature may amend this section, but any statute that attempts, or has the effect of, reducing, in whole or part, the amount of money required to be allocated to the Bicycle Transportation Account pursuant to paragraph (2) of subdivision (a) shall be void and without force or effect.

SEC. 12. Section 2331 of the Streets and Highways Code, as amended by Section 1 of Chapter 600 of the Statutes of 2001, is repealed.

~~2331. (a) The Highway Safety Act of 1973 (Title II of P.L. 93-87, 87 Stat. 250) has authorized appropriations for a number of programs relating to projects for the improvement of highway safety and the reduction of traffic congestion. These programs consist of the rail-highway crossings program (Section 203 of the Highway Safety Act of 1973); the pavement marking demonstration program (23 U.S.C. Sec. 151); projects for high-hazard locations, including, but not limited to, projects for bicycle and pedestrian safety and traffic calming measures in those locations (23 U.S.C. Sec. 152); program for the elimination of roadside obstacles (23 U.S.C. Sec. 153); and the federal aid safer roads demonstration program (23 U.S.C. Sec. 405). The purpose of this chapter is to implement these programs in this state. The commission, the department, boards of supervisors, and city councils are authorized to do all things~~

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necessary in their respective jurisdictions to secure and expend federal funds in accordance with the intent of the federal act and of this chapter.

(b) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 13. Section 2331 of the Streets and Highways Code, as added by Section 3 of Chapter 600 of the Statutes of 2001, is repealed.

2331. (a) The Highway Safety Act of 1973 (Title II of P.L. 93-87, 87 Stat. 250) has authorized appropriations for a number of programs relating to projects for the improvement of highway safety and the reduction of traffic congestion. These programs consist of the rail-highway crossings program (Section 203 of the Highway Safety Act of 1973), the pavement marking demonstration program (23 U.S.C. Sec. 151), projects for high-hazard locations (23 U.S.C. Sec. 152), program for the elimination of roadside obstacles (23 U.S.C. Sec. 153), and the federal-aid safer roads demonstration program (23 U.S.C. Sec. 405). The purpose of this chapter is to implement these programs in this state. The commission, the department, boards of supervisors, and city councils are authorized to do all things necessary in their respective jurisdictions to secure and expend such federal funds in accordance with the intent of the federal act and of this chapter.

(b) This section shall become operative on January 1, 2005.

SEC. 14. Section 2331 is added to the Streets and Highways Code, to read:

2331. The Highway Safety Act of 1973 (Title II of P.L. 93-87, 87 Stat. 250) has authorized appropriations for a number of programs relating to projects for the improvement of highway safety and the reduction of traffic congestion. These programs consist of the rail-highway crossings program (Section 203 of the Highway Safety Act of 1973), the pavement marking demonstration program (23 U.S.C. Sec. 151); projects for high-hazard locations, including, but not limited to, projects for bicycle and pedestrian safety and traffic calming measures in those locations (23 U.S.C. Sec. 152); program for the elimination of roadside obstacles (23 U.S.C. Sec. 153); and the federal-aid safer roads demonstration program (23 U.S.C. Sec. 405). The purpose of this chapter is to implement these programs in this state. The commission, the department, boards of supervisors, and city councils are authorized to do all things necessary in their respective jurisdictions to secure and expend federal funds in accordance with the intent of the federal act and of this chapter.

SEC. 15. Section 2333 of the Streets and Highways Code, as amended by Section 4 of Chapter 600 of the Statutes of 2001, is repealed.

2333. (a) In each annual proposed budget prepared pursuant to Section 165, there shall be included an amount equal to the estimated apportionment available from the federal government for the programs described in Sections 2331 and 2333.5. The commission may allocate a portion of those funds each year for use on city streets and county roads. For projects authorized under Section 2333.5 and receiving funding under this section, the department may substitute State Highway Account funds in accordance with the department's policy for state funding in place at the time of the project fund allocation, if those federal funds are directed to projects on state highways that are eligible for funding under Section 152 of Title 23 of the United States Code. It is the intent of the Legislature that the commission allocate the total amount received from the federal government for all of the programs described in Sections 2331 and 2333.5 in a manner that, over a period of five years, makes not less than one million dollars (\$1,000,000) of those funds available for use pursuant to Section 2333.5 and the remaining funds available for use in approximately equal amounts on state highways, local roads, and the program established under Section 2333.5. In addition, it is the intent of the Legislature that the commission shall apportion for use, in financing the railroad grade separation program described in Section 190, a substantial portion of the funds received pursuant to the federal rail-highway crossings program. Notwithstanding any other provision of law, the share of any railroad of the cost of maintaining railroad crossing protection facilities funded, in whole or in part, by funds described in Section 2331 shall be the same share it would be if no federal funds were involved and the crossing protection facilities were funded pursuant to an order of the Public Utilities Commission pursuant to Section 1202 of the Public Utilities Code; and in case of dispute, the Public Utilities Commission shall determine that share pursuant to this section.

(b) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 16. Section 2333 of the Streets and Highways Code, as added by Section 6 of Chapter 600 of the Statutes of 2001, is repealed.

2333. (a) In each annual proposed budget prepared pursuant to Section 165, there shall be included an amount equal to the estimated apportionment available from the federal government for the programs described in Section 2331. The commission may allocate a portion of such funds each year for use on city streets and county roads. It is the intent of the Legislature that the commission allocate the total amount received from the federal government for all of the programs described in Section 2331 in such a manner that, over a period of five years, such funds are made available for use in approximately equal amounts on state highways and on local roads. In addition, it is the intent of the Legislature that the commission shall apportion for use, in financing the railroad grade separation program described in Section 190, a substantial portion of the funds received pursuant to the federal rail-highway crossings program. Notwithstanding any other provision of law, the share of any railroad of the cost of maintaining railroad crossing protection facilities funded, in whole or in part, by funds described in Section 2331 shall be the same share it would be if no federal funds were involved and the crossing protection facilities were funded pursuant to an order of the Public Utilities Commission pursuant to Section 1202 of the Public Utilities Code; and in case of dispute, the Public Utilities Commission shall determine such share pursuant to this section.

(b) This section shall become operative on January 1, 2005.

SEC. 17. Section 2333 is added to the Streets and Highways Code, to read:

2333. In each annual proposed budget prepared pursuant to Section 165, there shall be included an amount equal to the estimated apportionment available from the federal government for the programs described in Sections 2331 and 2333.5. The commission may allocate a portion of those funds each year for use on city streets and county roads. The commission shall allocate the total amount received from the federal government for all of the programs described in Sections 2331 and 2333.5 in a manner that, over a period of five years, makes not less than one million dollars (\$1,000,000) of those funds available for use pursuant to Section 2333.5 and the remaining funds available for use in approximately equal amounts on state highways, local roads, and the program established under Section 2333.5. In addition, the commission shall apportion for use, in financing the railroad grade separation program described in Section 190, a substantial portion of the funds received pursuant to the federal rail-highway crossings program. Notwithstanding any other provision of law, the share of any railroad of the cost of maintaining railroad crossing protection facilities funded, in whole or in part, by funds described in Section 2331 shall be the same share it would be if no federal funds were involved and the crossing protection facilities were funded pursuant to an order of the Public Utilities Commission pursuant to Section 1202 of the Public Utilities Code; and in case of dispute, the Public Utilities Commission shall determine that share pursuant to this section.

SEC. 18. Section 2333.5 of the Streets and Highways Code, as amended by Section 7 of Chapter 600 of the Statutes of 2001, is repealed.

2333.5. (a) The department, in consultation with the Department of the California Highway Patrol, shall establish and administer a "Safe Routes to School" construction program pursuant to the authority granted under Section 152 of Title 23 of the United States Code and shall use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects.

(b) The department shall make grants available to local governmental agencies under the program based on the results of a statewide competition that requires submission of proposals for funding and rates those proposals on all of the following factors:

- (1) Demonstrated needs of the applicant.
- (2) Potential of the proposal for reducing child injuries and fatalities.
- (3) Potential of the proposal for encouraging increased walking and bicycling among students.
- (4) Identification of safety hazards.
- (5) Identification of current and potential walking and bicycling routes to school.
- (6) Consultation and support for projects by school-based associations, local traffic engineers, local elected officials, law enforcement agencies, and school officials.

(c) With respect to the use of funds provided in subdivision (a), prior to the award of any construction grant or the department's use of those funds for a "Safe Routes to School" construction project encompassing a

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freeway, state highway or county road, the department shall consult with, and obtain approval from, the Department of the California Highway Patrol, ensuring that the "Safe Routes to School" proposal complements the California Highway Patrol's Pedestrian Corridor Safety Program and is consistent with its statewide pedestrian safety statistical analysis.

(d)(1) The department shall study the effectiveness of the program established under this section with particular emphasis on the program's effectiveness in reducing traffic accidents and its contribution to improving safety and reducing the number of child injuries and fatalities in the vicinity of the project.

(2) The department shall submit a report to the Legislature on or before December 31, 2003, regarding the results of the study described in paragraph (1).

(3) On March 30, 2002, and each March 30th thereafter, the department shall submit an annual report to the Legislature listing and describing those projects funded under this section.

(e) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 19. Section 2333.5 is added to the Streets and Highways Code, to read:

2333.5. (a) The department, in consultation with the Department of the California Highway Patrol, shall establish and administer a "Safe Routes to School" construction program pursuant to the authority granted under Section 152 of Title 23 of the United States Code and shall use federal transportation funds for construction of bicycle and pedestrian safety and traffic calming projects.

(b) The department shall make grants available to local governmental agencies under the program based on the results of a statewide competition that requires submission of proposals for funding and rates those proposals on all of the following factors:

- (1) Demonstrated needs of the applicant.
- (2) Potential of the proposal for reducing child injuries and fatalities.
- (3) Potential of the proposal for encouraging increased walking and bicycling among students.
- (4) Identification of safety hazards.
- (5) Identification of current and potential walking and bicycling routes to school.

(6) Consultation and support for projects by school-based associations, local traffic engineers, local elected officials, law enforcement agencies, and school officials.

(c) With respect to the use of funds provided in subdivision (a), prior to the award of any construction grant or the department's use of those funds for a "Safe Routes to School" construction project encompassing a freeway, state highway, or county road, the department shall consult with, and obtain approval from, the Department of the California Highway Patrol, ensuring that the "Safe Routes to School" proposal complements the California Highway Patrol's Pedestrian Corridor Safety Program and is consistent with its statewide pedestrian safety statistical analysis.

(d)(1) The department shall study the effectiveness of the program established under this section with particular emphasis on the program's effectiveness in reducing traffic accidents and its contribution to improving safety and reducing the number of child injuries and fatalities in the vicinity of the project.

(2) The department shall submit a report to the Legislature on or before December 31, 2004, regarding the results of the study described in paragraph (1).

(3) On March 31, 2003, and each March 31 thereafter, the department shall submit an annual report to the Legislature listing and describing those projects funded under this section.

SEC. 20. Chapter 7 (commencing with Section 99571) is added to Part 11 of Division 10 of the Public Utilities Code, to read:

CHAPTER 7. THE PASSENGER RAIL IMPROVEMENT, SAFETY, AND MODERNIZATION PROGRAM

99571. There is hereby created the Passenger Rail Improvement, Safety, and Modernization Program.

99572. For purposes of this chapter, "program" is the Passenger Rail Improvement, Safety, and Modernization Program established under this chapter.

99573. The Passenger Rail Improvement, Safety, and Modernization Subaccount is hereby created in the Public Transportation Account in the State Transportation Fund.

99576. Funds transferred to the Passenger Rail Improvement, Safety, and Modernization Subaccount shall be allocated by the Controller to eligible recipients, as follows:

(a) To eligible recipients except for a national rail passenger service provider, based upon the following:

- (1) One-third of the route miles utilized by the eligible recipient.
- (2) One-third of the annual vehicle miles.
- (3) One-third of the annual passenger trips.

(b) To a national rail passenger service provider, based upon the following:

- (1) One-third of the route miles utilized by state-supported intercity rail.
- (2) One-third of the annual vehicle miles.
- (3) One-third of the annual passenger trips.

(c) For the purposes of this section, the following terms have the following meanings:

(1) "Track miles" means the miles of track used by a public agency or joint powers authority for regular passenger rail service.

(2) "Vehicle miles" means the total miles traveled, commencing with pull-out from the maintenance depot, by all locomotives and cars operated in a train consist for passenger rail service by a public agency or joint powers authority.

(3) "Passenger trips" means the annual unlinked passenger boardings reported by a public agency or joint powers authority for regular passenger rail service.

(4) "Route miles" means the total miles a train travels between the first and last station of each passenger rail line operated by a public agency or joint powers authority.

99577. (a) Eligible recipients for funding under this chapter shall be public agencies and joint power authorities that operate regularly scheduled passenger rail service in the following categories:

- (1) Cable car.
- (2) Commuter rail.
- (3) Light rail.
- (4) Heavy rail.
- (5) The Department of Transportation, for state-supported intercity rail.

(b) In addition to subdivision (a), eligible recipients of funding under this chapter shall be the Department of Transportation, for intercity rail services, and other passenger rail operators that provide regularly scheduled service and use public funds to operate and maintain rail facilities, rights-of-way, and equipment.

99578. (a) Funds allocated pursuant to the program shall be used for the rehabilitation or modernization of tracks utilized for public passenger rail transit, signals, structures, facilities, and rolling stock.

(b) Eligible recipients may use the funds for any eligible rail element set forth in subdivision (a).

(c) Funds allocated pursuant to this chapter to the Southern California Regional Rail Authority for eligible projects within its service area shall be apportioned each fiscal year in accordance with memorandums of understanding to be executed between the Southern California Regional Rail Authority and its member agencies. The memorandum or memorandums of understanding shall take into account the rail rehabilitation needs of the Southern California Regional Rail Authority and of the member agencies, revenue attributable to member agencies, and separate contributions to the Southern California Regional Rail Authority from the member agencies.

(d) Any funds allocated pursuant to this chapter not contractually obligated to a project within three years from the date of allocation shall be returned to the Passenger Rail Improvement, Safety, and Modernization Subaccount for reallocation in the following fiscal year.

99579. (a) In order to be eligible for funding under this chapter, an eligible recipient shall provide matching funds in an amount not less than the total amount allocated to the recipient from the Passenger Rail Improvement, Safety, and Modernization Subaccount.

(b) An eligible recipient of funding shall certify that it has met its matching funds requirement, and all other requirements of this chapter, by resolution of its governing board.

99580. (a) Funds made available under this chapter shall supplement existing local, state, or federal revenues being used for maintenance and rehabilitation of the passenger rail system. Eligible recipients of funding shall maintain their existing commitment of local, state, or federal funds for maintenance and rehabilitation of the passenger rail system in order to remain eligible for allocation and expenditure of the additional funding made available by this chapter.

(b) In order to receive any allocation under this chapter, an eligible recipient shall annually expend from existing local, state, or federal revenues being used for maintenance and rehabilitation of the passenger rail system an amount not less

PROPOSITION 51 (cont.)

than the annual average of its expenditures from local revenues for those purposes during the 1997–98, 1998–99, and 1999–2000 fiscal years, and as increased by the Consumer Price Index.

SEC. 21. Section 41202 of the Education Code is amended to read:

41202. The words and phrases set forth in subdivision (b) of Section 8 of Article XVI of the Constitution of the State of California shall have the following meanings:

(a) “Moneys to be applied by the State,” as used in subdivision (b) of Section 8 of Article XVI of the California Constitution, means appropriations from the General Fund that are made for allocation to school districts, as defined, or community college districts. An appropriation that is withheld, impounded, or made without provisions for its allocation to school districts or community college districts, shall not be considered to be “moneys to be applied by the State.”

(b)(1) “General Fund revenues which may be appropriated pursuant to Article XIII B,” as used in paragraph (1) of subdivision (b) of Section 8 of Article XVI, means General Fund revenues that are the proceeds of taxes as defined by subdivision (c) of Section 8 of Article XIII B of the California Constitution, including, for the 1986–87 fiscal year only, any revenues that are determined to be in excess of the appropriations limit established pursuant to Article XIII B for the fiscal year in which they are received. General Fund revenues for a fiscal year to which paragraph (1) of subdivision (b) is being applied shall include, in that computation, only General Fund revenues for that fiscal year that are the proceeds of taxes, as defined in subdivision (c) of Section 8 of Article XIII B of the California Constitution, and shall not include prior fiscal year revenues. Commencing with the 1995–96 fiscal year, and each fiscal year thereafter, “General Fund revenues that are the proceeds of taxes,” as defined in subdivision (c) of Section 8 of Article XIII B of the California Constitution, includes any portion of the proceeds of taxes received from the state sales tax that are transferred to the counties pursuant to, and only if, legislation is enacted during the 1995–96 fiscal year the purpose of which is to realign children’s programs. The amount of the proceeds of taxes shall be computed for any fiscal year in a manner consistent with the manner in which the amount of the proceeds of taxes was computed by the Department of Finance for purposes of the Governor’s Budget for the Budget Act of 1986.

(2) Pursuant to Section 8 of Article XVI of the California Constitution, funds in the Traffic Congestion Relief and Safe School Bus Trust Fund in the State Treasury, established under Section 7105 of the Revenue and Taxation Code, shall be added to General Fund revenues otherwise considered in making the calculations required under Section 8 of Article XVI.

(c) “General Fund revenues appropriated for school districts,” as used in paragraph (1) of subdivision (b) of Section 8 of Article XVI of the California Constitution, means the sum of appropriations made that are for allocation to school districts, as defined in Section 41302.5, regardless of whether those appropriations were made from the General Fund to the Superintendent of Public Instruction, to the Controller, or to any other fund or state agency for the purpose of allocation to school districts. The full amount of any appropriation shall be included in the calculation of the percentage required by paragraph (1) of subdivision (b) of Section 8 of Article XVI, without regard to any unexpended balance of any appropriation. Any reappropriation of funds appropriated in any prior year shall not be included in the sum of appropriations.

(d) “General Fund revenues appropriated for community college districts,” as used in paragraph (1) of subdivision (b) of Section 8 of Article XVI of the California Constitution, means the sum of appropriations made that are for allocation to community college districts, regardless of whether those appropriations were made from the General Fund to the Controller, to the Chancellor of the California Community Colleges, or to any other fund or state agency for the purpose of allocation to community college districts. The full amount of any appropriation shall be included in the calculation of the percentage required by paragraph (1) of subdivision (b) of Section 8 of Article XVI, without regard to any unexpended balance of any appropriation. Any reappropriation of funds appropriated in any prior year shall not be included in the sum of appropriations.

(e) “Total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as used in paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution, means the sum of appropriations made that are for allocation to school districts, as defined in Section 41302.5, and community college districts, regardless of whether those appropriations were made from the General Fund to the Controller, to the

Superintendent of Public Instruction, to the Chancellor of the California Community Colleges, or to any other fund or state agency for the purpose of allocation to school districts and community college districts. The full amount of any appropriation shall be included in the calculation of the percentage required by paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI, without regard to any unexpended balance of any appropriation. Any reappropriation of funds appropriated in any prior year shall not be included in the sum of appropriations.

(f) “General Fund revenues appropriated for school districts and community college districts, respectively” and “moneys to be applied by the state for the support of school districts and community college districts,” as used in Section 8 of Article XVI of the California Constitution, shall include funds appropriated for the Child Care and Development Services Act pursuant to Chapter 2 (commencing with Section 8200) of Part 6 and shall not include any of the following:

(1) Any appropriation that is not made for allocation to a school district, as defined in Section 41302.5, or to a community college district regardless of whether the appropriation is made for any purpose that may be considered to be for the benefit to a school district, as defined in Section 41302.5, or a community college district. This paragraph shall not be construed to exclude any funding appropriated for the Child Care and Development Services Act pursuant to Chapter 2 (commencing with Section 8200) of Part 6.

(2) Any appropriation made to the Teachers’ Retirement Fund or to the Public Employees’ Retirement Fund except those appropriations for reimbursable state mandates imposed on or before January 1, 1988.

(3) Any appropriation made to service any public debt approved by the voters of this state.

(g) “Allocated local proceeds of taxes,” as used in paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution, means, for school districts as defined, those local revenues, except revenues identified pursuant to paragraph (5) of subdivision (h) of Section 42238, that are used to offset state aid for school districts in calculations performed pursuant to Sections 2558, 42238, and Chapter 7.2 (commencing with Section 56836) of Part 30.

(h) “Allocated local proceeds of taxes,” as used in paragraph (2) or (3) of subdivision (b) of Section 8 of Article XVI of the California Constitution, means, for community college districts, those local revenues that are used to offset state aid for community college districts in calculations performed pursuant to Section 84700. In no event shall the revenues or receipts derived from student fees be considered “allocated local proceeds of taxes.”

(i) For the purposes of calculating the 4 percent entitlement pursuant to subdivision (a) of Section 8.5 of Article XVI of the California Constitution, “the total amount required pursuant to Section 8(b)” shall mean the General Fund aid required for schools pursuant to subdivision (b) of Section 8 of Article XVI of the California Constitution, and shall not include allocated local proceeds of taxes.

(j) *The Legislature may amend paragraph (2) of subdivision (b) to better achieve its intent, which is to ensure that the initiative measure that amended this section does not diminish funding for school districts or community college districts to a level that is below that which would be required had the initiative measure that amended this section not been approved.*

SEC. 22. If any provision of this act or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 23. (a) It is the intent of the People of the State of California in approving this act that, should any statute or amendment to the California Constitution be approved on November 5, 2002, that could prevent this act from taking effect, the People intend that this act go into effect, regardless of the passage of any such statute or constitutional amendment, and regardless of the number of votes received by any measure on the November 5, 2002, ballot.

(b) This act shall take effect notwithstanding any other provision of law.

(c) It is the express intent of the voters that this act shall take effect and become operative at 12:01 a.m. on November 5, 2002.

(d) It is the express intent of the voters that this act shall take effect and become operative even if the California Constitution is amended at the November 5, 2002, election to prohibit or restrict the enactment of new taxation.

PROPOSITION 51 (cont.)

(e) Notwithstanding any other provision of this section, Section 2 of this act shall take effect on January 1, 2003.

SEC. 24. (a) This act shall be liberally construed to further its purposes, especially with respect to being allowed to take effect. (b) Any conflict between a provision in this act and any other provision of law in existence prior to the effective date of this act shall be resolved in favor of the provision in this act.

(c) The act shall be implemented in the most expeditious manner. All state and local officials shall implement this act to the fullest extent of their authority.

(d) Any person has standing to enforce any provision of this act.

(e) Money appropriated, expended, or transferred pursuant to this measure 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 52

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

ELECTION DAY VOTER REGISTRATION
ACT OF 2002

ARTICLE 1. TITLE

SECTION 1. This measure shall be known and may be cited as the "Election Day Voter Registration Act of 2002."

ARTICLE 2. FINDINGS AND PURPOSES

SEC. 2. The people of the State of California hereby find and declare:

(1) It should be the policy of this state to ensure that every legally eligible voter who wants to vote has the chance to do so.

(2) Voter turnout in California is on the decline. In fact, the California 2000 Presidential election had the lowest voter turnout since the election of 1924. As the largest and most diverse state in the nation, California should modify its laws for the purpose of increasing voter turnout and should take all reasonable steps to achieve that purpose. States that currently allow Election Day Voter Registration lead the nation in voter turnout.

(3) The purposes of the Election Day Voter Registration Act are to:

(a) establish procedures that enable eligible voters to register and vote on Election Day;

(b) give every legally eligible voter the opportunity to vote; and

(c) increase protections against voter fraud.

(4) The Election Day Voter Registration Act increases penalties for vote fraud and voter registration fraud.

(5) It provides additional time for elections officials to prepare voter rolls and materials for Election Day.

ARTICLE 3.

ELECTION DAY VOTER REGISTRATION

SEC. 3. Article 4.5 (commencing with Section 2170) is added to Chapter 2 of Division 2 of the Elections Code, to read:

Article 4.5. Election Day Registration and Voting

2170. *In addition to other methods of voter registration provided by this code, any elector who is otherwise qualified to vote under this code and Section 2 of Article II of the California Constitution may register or reregister to vote in accordance with the following provisions upon presentation of proof of current residence address:*

(a) *An elector may register to vote, or may reregister if the reregistration is based only on a change of legal name or place of residence, on election day at the polling place in his or her precinct. The elections official shall provide voter registration forms for use in registration at all voting locations.*

(b) *An elector may register or reregister to vote beginning 28 days prior to the election and continuing through election day at any office of the county elections official in the county in which the voter resides. If the voter is currently reg-*

istered within the county and has moved within that county, he or she must only complete a new affidavit of registration.

2171. (a) *A person who registers or reregisters to vote on the day of the election, upon showing proof of current residence and executing an affidavit of registration that certifies under penalty of perjury that the information contained in the affidavit is true and correct, may cast a ballot as provided in Article 4 (commencing with Section 14270) of Chapter 3 of Division 14.*

(b) *For purposes of this section, proof of current residence for a voter attempting to vote at the polling place at which he or she is entitled to vote based on his or her current residence address shall consist of:*

(1) *A current, valid California driver's license or California identification card that includes the name and current residence address of the voter; or*

(2) *Any two documents from the categories listed below, except that no more than one document per category listed in subparagraphs (L) and (M) shall be used, both of which shall contain the name and current residence address of the voter:*

(A) *Military identification.*

(B) *College or university fee card or student identification.*

(C) *Lease agreement.*

(D) *Mortgage statement.*

(E) *Property tax statement.*

(F) *Income tax return.*

(G) *Utility bill.*

(H) *Credit card bill.*

(I) *Bank statement.*

(J) *Preprinted check or bank deposit slip.*

(K) *Vehicle registration.*

(L) *Mail addressed to the voter at his or her current residence address.*

(M) *Sworn written statement given in the presence of a poll worker at the polling place from a registered voter in the precinct stating that he or she knows and can identify the person who is attempting to vote, and attesting to the name and residence address of the person attempting to vote.*

(c) *The elections official shall send a voter notification form after the date of the election to any person who is properly registered or reregistered to vote pursuant to this section, and the voter shall be registered for future elections at the address at which the voter is so registered or reregistered. The affidavit of registration of any person whose voter notification form is returned by the post office as undeliverable shall be processed in accordance with the procedures set forth in Section 2221.*

2172. *A person who resides in an all-mail ballot precinct or in a jurisdiction holding an all-mail ballot election who wishes to register or reregister to vote within 28 days of the election or on election day may do so pursuant to subdivision (b) of Section 2170.*

2173. *The elections official shall compile a list or index of voters who registered or reregistered to vote pursuant to this article. After the canvass of the votes for the election, the elections official shall review the names on the list or index and cancel any duplicate voter registrations that may exist. If it appears that any voter whose name appears on the list or index may have committed fraud within the meaning of Section 18560 of the Elections Code, the elections official shall immediately notify in writing both the district attorney and the Secretary of State.*

2174. (a) *Each polling place shall have a separate area dedicated to election day voter registration. At least one precinct board member in each polling place shall be trained prior to the election in election day registration and voting procedures and shall be assigned to conduct election day voter registration. New registration or reregistration under this act shall be conducted in a manner that does not interfere with or delay the voting of persons previously registered to vote.*

PROPOSITION 52 (cont.)

(b) The elections official shall provide training to any persons who will be conducting election day registration or reregistration. Students who meet the requirements of Section 12302 may also conduct election day registration or reregistration provided they undergo the training provided for that purpose and are approved by the elections official.

2175. (a) Each polling place shall provide in a conspicuous location in the area designated for voter registration a poster that includes all of the following information:

(1) A statement that the law provides for election day registration and/or reregistration.

(2) A description of the types of documents that may be used to demonstrate proof of current residence.

(3) A statement that registration documents are signed under penalty of perjury and that any fraudulent statement made in connection with registering to vote may subject the person to criminal prosecution.

(b) In addition to the poster specified by subdivision (a), the same information will be available in written form for distribution at the polling place in any languages in which the ballot and voter registration materials are required to be available.

(c) The Secretary of State and each elections official shall educate voters about election day registration, and shall include information about the availability of election day registration in all existing voter education efforts. Information about election day voter registration will be available in languages other than English as required by current law relating to registration and voting materials.

ARTICLE 4.
INCREASED PENALTIES FOR FRAUD

SEC. 4. In order to minimize the possibility of fraudulent registration or voting activity, the penalties for engaging in such activity, or conspiring to engage in such activity, shall be increased. The following Elections Code provisions are hereby amended to increase the penalties as indicated:

18001. Upon a conviction ~~for~~ of any crime punishable by imprisonment in any jail or prison, in relation to which no fine is herein prescribed, the court ~~may~~ shall impose a fine on the offender not exceeding ~~one thousand dollars (\$1,000) two thousand dollars (\$2,000)~~ in cases of misdemeanors or ~~ten thousand dollars (\$10,000) twenty thousand dollars (\$20,000)~~ in cases of felonies, in addition to the imprisonment prescribed.

SEC. 5. NEW PENALTIES FOR CONSPIRACY TO COMMIT FRAUD. Section 18561.1 is added to the Elections Code, to read:

18561.1. If two or more persons conspire to commit the following acts they are guilty of a felony punishable by imprisonment in state prison for three, four, or five years:

(a) Not being entitled to vote at an election, fraudulently votes or fraudulently attempts to vote at an election.

(b) Being entitled to vote at an election, votes more than once or attempts to vote more than once.

(c) Procures, assists, counsels, or advises another person to vote at an election, knowing that the person is not entitled to vote.

(d) Procures, assists, counsels, or advises another person otherwise entitled to vote at an election to vote more than once.

(e) Pays, lends, contributes, offers or promises any money or other valuable consideration to another person to vote at an election for any particular candidate.

(f) Attempts to pay, lend, contribute, offer or promise any money or other valuable consideration to another person to vote at an election for any particular candidate.

ARTICLE 5.
CLOSE OF REGISTRATION OTHER THAN 28-DAY PERIOD PRIOR
TO ELECTION DAY REGISTRATION AND ELECTION DAY;
OTHER CONFORMING CHANGES TO ELECTIONS CODE

SEC. 6. This act changes the current 15-day close of registration to 29 days, except in cases of voter registration in accordance with the provisions of this act occurring in the 28-day period prior to the election and on election day. The following provisions of the Elections Code are amended to effectuate this change:

SEC. 7. Section 321 of the Elections Code is amended to read:

321. "Elector" means any person who is a United States citizen 18 years of age or older and a resident of ~~an election precinct~~ the State of California at least 29 days prior to an election.

SEC. 8. Section 2035 of the Elections Code is amended to read:

2035. A person duly registered as a voter in any precinct in California who removes therefrom within ~~14~~ 28 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person so removed until the close of the polls on the date of that election.

SEC. 9. Section 2100 of the Elections Code is amended to read:

2100. No person shall be registered except as provided in this chapter ~~except~~, or as provided in Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2, or upon the production and filing of a certified copy of a judgment of the superior court directing registration to be made.

SEC. 10. Section 2102 of the Elections Code is amended to read:

2102. (a) A person may not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the ~~15th~~ 29th day prior to an election to be held in the registrant's precinct, or during the 28 days prior to the election or on election day in accordance with Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the ~~15th~~ 29th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the ~~15th~~ 29th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in ~~paragraphs~~ paragraph (1) or (2) on or before the ~~15th~~ 29th day prior to the election.

(b) For purposes of verifying signatures on a recall, initiative, or referendum petition or signatures on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both ~~(a)~~ (1) the affidavit is signed on the same date or a date prior to the signing of the petition or paper, and ~~(b)~~ (2) the affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other provision of law to the contrary, the affidavit of registration required under this chapter may not be taken under sworn oath, but the content of the affidavit shall be certified as to its truthfulness and correctness, under penalty of perjury, by the signature of the affiant.

SEC. 11. Section 2107 of the Elections Code is amended to read:

2107. (a) Except as provided in subdivision (b), the county elections official shall accept affidavits of registration at all times except during the ~~14~~ 28 days immediately preceding any election, when registration shall cease for that election as to electors residing in the territory within which the election is to be held ~~except as provided in Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2~~. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time when registration is in progress in the precinct to which the elector seeks to transfer.

(b) The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the ~~15th~~ 29th day prior to the election, and if any of the following apply:

(1) The affidavit is postmarked on or before the ~~15th~~ 29th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 29th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs ~~(2)~~ (1) and ~~(3)~~ (2) on or before the ~~15th~~ 29th day prior to the election.

SEC. 12. Section 2119 of the Elections Code is amended to read:

2119. (a) In lieu of executing a new affidavit of registration for a change of address within the county the county elections official shall



TEXT OF PROPOSED LAWS

PROPOSITION 52 (cont.)

accept a notice or letter of the change of address signed by a voter as he or she is registered.

(b) The county elections official shall accept a notification for the forthcoming election and shall change the address on the voter's affidavit of registration accordingly if the notification is executed on or before the ~~15th~~ 29th day prior to the election and if any of the following apply:

(1) The notification is postmarked on or before the ~~15th~~ 29th day prior to the election and received by mail by the county elections official.

(2) The notification is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 29th day prior to the election.

(3) The notification is delivered to the county elections official by means other than those described in paragraphs ~~(2)~~ (1) and ~~(3)~~ (2) on or before the ~~14th~~ 29th day prior to the election.

SEC. 13. Section 2154 of the Elections Code is amended to read:

2154. In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official ~~voters~~ shall apply the following rebuttable presumptions:

(a) If no middle name or initial is shown, it shall be presumed that none exists.

(b) If no party affiliation is shown, it shall be presumed that the affiant has no party affiliation.

(c) If no execution date is shown, it shall be presumed that the affidavit was executed on or before the ~~15th~~ 29th day prior to the election, provided that (1) the affidavit is received by the county elections official on or before the ~~15th~~ 29th day prior to the election, or (2) the affidavit is postmarked on or before the ~~15th~~ 29th day prior to the election and received by mail by the county elections official.

(d) If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as "United States," "U.S.A.," or other recognizable term designating the United States.

SEC. 14. Section 2155 of the Elections Code is amended to read:

2155. Upon receipt of a properly executed affidavit of registration or address correction notice or letter pursuant to Section 2119, Article 2 (commencing with Section 2220), or the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), the county elections official shall send the voter a voter notification by nonforwardable, first-class mail, address correction requested. The voter notification shall be substantially in the following form:

VOTER NOTIFICATION

You are registered to vote. This card is being sent as a notification of:

1. Your recently completed affidavit of registration,

OR,

2. A correction to your registration because of an official notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write the county elections official immediately.

~~You may vote in any election held 15 or more days after the date shown on the reverse side of this card.~~

Your name will appear on the index kept at the polls.

(Signature of Voter)

SEC. 15. Section 9094 of the Elections Code is amended to read:

9094. (a) The Secretary of State shall mail ballot pamphlets to voters, in those instances in which the county ~~clerk~~ elections official uses data processing equipment to store the information set forth in the

affidavits of registration, before the election at which measures contained in the ballot pamphlet are to be voted on ~~unless a voter has registered fewer than 29 days before the election provided the voter has registered more than 28 days prior to the election~~. The mailing shall commence not less than 40 days before the election and shall be completed no later than 21 days before the election for those voters who registered on or before the 60th day before the election. The Secretary of State shall mail one copy of the ballot pamphlet to each registered voter at the postal address stated on the voter's affidavit of registration, or the Secretary of State may mail only one ballot pamphlet to two or more registered voters having the same surname and the same postal address.

(b) In those instances in which the county ~~clerk~~ elections official does not utilize data processing equipment to store the information set forth in the affidavits of registration, the Secretary of State shall furnish ballot pamphlets to the county ~~clerk~~ elections official not less than 45 days before the election at which measures contained in the ballot pamphlet are to be voted on and the county clerk shall mail ballot pamphlets to voters, on the same dates and in the same manner provided by subdivision (a).

(c) The Secretary of State shall provide for the mailing of ballot pamphlets to voters registering after the 60th day before the election and before the 28th day before the election, by either: (1) mailing in the manner as provided in subdivision (a), or (2) requiring the county ~~clerk~~ elections official to mail ballot pamphlets to those voters registering in the county after the 60th day before the election and before the 28th day before the election pursuant to the provisions of this section. The second mailing of ballot pamphlets shall be completed no later than 10 days before the election. The county ~~clerk~~ elections official shall mail a ballot pamphlet to any person requesting a ballot pamphlet. Three copies, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters, including voters registering or reregistering on election day in accordance with Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2.

SEC. 16. Section 13303 of the Elections Code is amended to read:

13303. (a) For each election, each appropriate elections official shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face and shall be identical to the official ballots used in the election, except as otherwise provided by law. A sample ballot shall be mailed, postage prepaid, not more than 40 nor less than 21 days before the election to each voter who is registered at least 29 days prior to the election.

(b) The elections official shall send notice of the polling place to each voter with the sample ballot. Only official matter shall be sent out with the sample ballot as provided by law.

~~(c) The elections official shall send notice of the polling place to each voter who registered after the 29th day prior to the election and is eligible to participate in the election. The notice shall also include information as to where the voter can obtain a sample ballot and a ballot pamphlet prior to the election, a statement indicating that those documents will be available at the polling place at the time of the election, and the address of the Secretary of State's website and, if applicable, of the county website where a sample ballot may be viewed.~~

ARTICLE 6. FUNDING FOR ADDITIONAL ELECTION DAY PERSONNEL

SEC. 17. Section 2131 is added to the Elections Code, to read:

2131. (a) The Election Day Registration Fund is hereby established in the State Treasury. The fund is a special fund created for the purpose of assisting elections officials in implementing the provisions of this act, including, but not limited to, training and providing additional personnel to conduct registration on election days, providing additional voter registration materials and expanding voter outreach programs.

(b) Notwithstanding Section 13340 of the Government Code, the sum of six million dollars (\$6,000,000), adjusted annually to reflect increases in the cost of living, shall be continuously appropriated from the General Fund to the Election Day Registration Fund without regard to fiscal year for the purposes of this act.

PROPOSITION 52 (cont.)

(c) On July 1 of each year the State Controller shall transfer from the General Fund to the Election Day Registration Fund the sum of six million dollars (\$6,000,000), along with any cost-of-living increases. Notwithstanding Section 13340 of the Government Code, all funds in the Election Day Registration Fund shall be continuously appropriated to the Secretary of State without regard to fiscal year to be expended for the purposes of the act.

(d) Funds deposited in the Election Day Registration Fund are not otherwise subject to appropriation by the Legislature and, notwithstanding any other provision of law, may be expended by the Secretary of State without regard to fiscal year and shall not revert to any other fund. Notwithstanding any other provision of law, interest earned by the fund shall accrue only to the fund and may be expended only for the purposes of the act.

(e) Moneys deposited in the Election Day Registration Fund shall be distributed annually by the Secretary of State to counties to cover the costs of implementing the provisions of this act, including the cost of providing and training additional personnel to conduct election day voter registration, creating additional voter registration materials and expanding voter outreach programs. Such moneys shall be allocated using a fair and equitable distribution formula that gives priority to the actual expenses of providing the additional personnel required by this act. All funds transferred to the Election Day Registration Fund shall be distributed to the counties for use as specified in this act; no part of these funds shall be used by the Secretary of State to administer the allocation process.

(f) Elections officials receiving moneys from the Election Day Registration Fund shall submit an annual report to the Secretary of State which identifies how those moneys were used, including the number of personnel added to conduct voter registration and a description of any voter outreach efforts implemented as a result of the funding.

ARTICLE 7.

SEC. 18. LIBERAL CONSTRUCTION. The provisions of this act shall be liberally construed to effectuate its purpose of allowing and facilitating voter registration and voter reregistration on election day.

ARTICLE 8.

SEC. 19. AMENDMENTS. This act may be amended to further its purpose by statute, passed in each house, two-thirds of the Legislature concurring, and signed by the Governor. For purposes of this section, a statute will not be deemed to further the purposes of the act if it eliminates or creates significant impediments to election day registration or reregistration. However, it is not the intent of this section to preclude changes in registration procedure that are the result of changes in technology, provided those changes are intended to facilitate the registration process and increase the number of eligible voters who register to vote. Notwithstanding the above, any of the sections contained in Article 5 of this act may be amended by statute, passed by majority vote of each house, and signed by the Governor.

ARTICLE 9.

SEC. 20. SEVERABILITY. In the event that any section or provision of this act, or the application thereof to any person or circumstances, is held invalid, it is the intent of the voters that the remaining sections of the act continue in full force and effect, and to this end the provisions of the act are severable.



PROTECT YOUR PRIVACY

And your right to vote.

Victims of domestic violence and stalking don't have to be afraid to vote! If you qualify to enroll in the Safe at Home confidential address program, your voter registration information can be kept strictly confidential from campaigns, pollsters, the media, and other parties.

Just complete a confidential voter registration affidavit at one of the Safe at Home enrolling agencies—or simply re-register with the Registrar of Voters or County Clerk's Office in your county after you enroll in the program.

The Safe at Home confidential address program provides a no-cost mail forwarding service to victims of domestic violence and stalking that helps keep their addresses confidential—so their former partners or stalkers can't locate them. Once registered, Safe at Home participants automatically receive "absent voter status" so they can vote by mail, in the privacy of their homes.



call 1-877-322-5227

WHY VOTING KEEPS OUR COUNTRY STRONG



On February 3, 1870, as the Fifteenth Amendment was ratified, the long sought dream of African Americans to acquire the right to vote became a reality. On August 18, 1920, women were given the right to vote. Today, everyone over the age of eighteen has the right to vote. Why was voting so important to African Americans and women that they went through protest after protest just to be able to bubble circles on a piece of paper?

Voting is a silent dialect, a dialect in which a bubbled circle means much more than any spoken word. To vote means to take an active part in our country's traditions and customs. Voting means carrying out one's civic duty, and is the long-term contribution made towards preserving American democracy. Voting allows a relative mutual agreement to be reached among a myriad of points of view. It brings a country together and lets individuals make decisions as a country, instead of as individuals. Therefore, it can be concluded that with voting comes the expression of our collective will, which was what the colonists so long ago passionately desired and fought to achieve.

The right to vote is the cornerstone of our democracy, the linchpin of a government of the people, for the people, and by the people. The strength of our country lies in the vote. Without the right to vote, the voice of the people is lost. Our true strength is in our ability to express our divergent views through the polling booth.

Timothy C. Lee
John A. Rowland High School
Rowland Heights, California

Timothy is the winner of the Secretary of State's 2002 Essay Contest. Timothy's essay was selected from a field of essays that addressed the topic of why voting keeps our country strong.



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English: 1-800-345-VOTE (8683)

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Japanese: 1-800-339-2865

Vietnamese: 1-800-339-8163

Tagalog: 1-800-339-2957

Chinese: 1-800-339-2857

www.voterguide.ss.ca.gov

OFFICIAL VOTER INFORMATION GUIDE

In an effort to reduce election costs, the State Legislature has authorized the State and counties to mail only one pamphlet to addresses where more than one voter with the same surname resides. You may obtain additional copies by writing to your county elections official or by calling 1-800-345-VOTE.

