This amendment proposed by Senate Constitutional Amendment 11 of the 1999–2000 Regular Session (Resolution Chapter 142, Statutes of 1999) expressly amends the California Constitution by amending a section thereof; therefore, existing provisions proposed to be deleted are printed in struckout type and new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED AMENDMENT TO SECTION 19 OF ARTICLE IV

SEC. 19. (a) The Legislature has no power to authorize lottery operations, and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

(c) Notwithstanding subdivision (a) the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

Proposition 1A: Text of Proposed Law

This law proposed by Assembly Bill 18 of the 1999–2000 Regular Session (Chapter 461, Statutes of 1999) and Senate Bill 1147 of the 1999–2000 Regular Session (Chapter 638, Statutes of 1999) is subject to local initiative and referendum in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Public Resources Code; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 1692 (commencing with Section 5096.300) is added to Division 5 of the Public Resources Code, to read:

Chapter 1692. SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000

THE VILLARAIGOSA-KEELEY ACT


5096.300. This chapter shall be known, and may be cited, as the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act).

5096.301. Responding to the recreational and open-space needs of a growing population and expanding urban communities, this act will revitalize stewardship of natural resources by investing in neighborhood parks and state parks, clean water protection, and coastal beaches and scenic areas.

5096.302. The Legislature finds and declares all of the following:

(a) Historically, California's local and neighborhood parks often serve as the recreational, social, and cultural centers for cities and communities, providing venues for youth enrichment, senior activities, and family recreation.

(b) Neighborhood and state parks provide safe places to play in the urban neighborhoods, splendid scenic landscapes, exceptional experiences, and world-recognized recreational opportunities, and in so doing, are vital to California's quality of life and economy.

(c) California's water resources, both surface and groundwater, and natural resources has dwindled. California has not kept pace with the needed funding to adequately manage and maintain its multi-billion dollar investment in neighborhood, urban, and state parks and natural areas resulting in disrepair and overcrowding of many park facilities and the degradation of wild lands.

(d) The magnificent Pacific Coast, outstanding mountain ranges, and unique scenic regions are the source of tremendous economic opportunity and contribute enormously to the quality of life of Californians.

(e) Continued economic success and enjoyment derived from California's natural resources depends on maintaining clean water, healthy ecosystems, and expanding public access for a growing state.

(f) The backlog of needs for repair and maintenance of local and urban parks exceeds two billion five hundred million dollars and the need for maintenance of state parks exceeds one billion dollars. The state's conservancies and wildlife agencies report a need for habitat acquisition and restoration exceeding one and one-half billion dollars.

(g) This act will begin to address these critical neighborhood park and natural resources needs.

5096.303. The Legislature further finds and declares all of the following:

(a) Air pollution continues to be a major problem in California which harms the health of our residents, costs our economy billions of dollars related to healthcare costs, reduces agricultural productivity, and damage to our infrastructure, and otherwise decreases the quality of life in our state.

(b) Forests and trees improve air quality by removing carbon dioxide, particulates, and other pollutants from the air, and by producing oxygen.

(c) Park, open-space, and tree planting projects also improve air quality and decrease congestion by reducing sprawl, improving the quality of life in areas that are already developed by helping local agencies implement sound land use plans that promote energy efficiency, and by providing incentives to reduce development in inappropriate areas.

5096.304. It is the intent of the Legislature to strongly encourage every state or local government agency receiving the bond funds associated with this act to continue an act of good faith and pursue(s) or enter into a contract with the local government agency for the purpose of redeeming the bonds.

5096.305. Upon a finding by the administering entity that a particular project for which funds have been allocated cannot be completed, or that the funds are in excess of the total needed, the Legislature may reallocate those funds for other high priority needs consistent with this act.

5096.306. As used in this chapter, the following terms have the following meanings:

(a) "Acquisition" means the acquisition from a willing seller of a fee interest or any other interest, including easements and development rights, for the purposes of this act.

(b) "Board" means the Secretary of the Resources Agency designated in accordance with subdivision (b) of Section 5096.362.

(c) "Certified local community conservation corps programs" means programs operated by public or private nonprofit agencies pursuant to Section 14406.

(d) "Committee" means the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Finance Committee created pursuant to Section 5096.362.

(e) "District" means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 of Chapter 5500 of the Public Resources Code, or an entity authorized by this act.

(f) "Fund" means the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Bond Fund created pursuant to Section 5096.310.

(g) "Historical resource" includes, but is not limited to, any building, structure, site, area, place, artifact, or collection of artifacts that is historically or archaeologically significant in the cultural annals of California.

(h) "Program" means the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Program established pursuant to this chapter.

(i) "Secretary" means the Secretary of the Resources Agency.

(j) (1) "Stewardship" means the development and implementation of programs for the protection, preservation, rehabilitation, restoration, and improvement of natural systems and outstanding features of the state.
Improvement, rehabilitation, restoration, enhancement, protection, and under an operating agreement with the department, for the development, facilities and improvements to enhance volunteer participation in the state park system, including, but not limited to, the purchase of low-emission or public safety.

The sum of two hundred million dollars ($200,000,000) to the department for grants to cities, counties, and districts for the acquisition, development, rehabilitation, and restoration of park and recreation areas and facilities pursuant to the Roberti-Z Berg-Harris Open Space and Recreational Program Act (Chapter 3.2 (commencing with Section 5620)).

The sum of ten million dollars ($10,000,000) to the Department of Conservation in accordance with Section 5096.356.

The department to undertake stewardship projects, including cultural resources stewardship projects that will preserve vanishing remnants of California's landscape, and protect and promote a greater understanding of California's past, and the planning necessary to implement those efforts.

Facilities and improvements to enhance volunteer participation in the state park system.

To develop, improve, and expand interpretive facilities at units of the state park system, including educational exhibits and visitor orientation centers.

To rehabilitate, repair, and improve units of the state park system that will that ensure that state park system lands and facilities will remain open and accessible for public use.

To develop, improve, rehabilitate, restore, enhance, and protect facilities and trails at existing units of the state park system that will provide for optimal recreational and educational use, activities, improved access and safety, and the acquisition from a willing seller of inholdings and adjacent lands. Adjacent lands are lands contiguous to, or in the immediate vicinity of, existing state park system lands and that directly benefit an existing state park system unit.

Facilities and improvements to enhance volunteer participation in the state park system.

To develop, improve, and expand interpretive facilities at units of the state park system, including educational exhibits and visitor orientation centers.

To rehabilitate, repair, and improve units of the state park system that will that ensure that state park system lands and facilities will remain open and accessible for public use.

For projects that improve air quality related to the state park system, including, but not limited to, the purchase of low-emission or advanced technology vehicles and equipment and clean fuel distribution facilities that will avoid or reduce air emissions at state park facilities.

The sum of eleven million dollars ($11,000,000) to the department for grants to cities, counties, and districts for the acquisition, development, rehabilitation, and restoration of park and recreation areas and facilities, including renovation of recreational facilities conveyed to local agencies resulting from the downsizing or decommissioning of federal military installations.

The sum of two hundred million dollars ($200,000,000) to the department for grants to cities, counties, and districts for the acquisition, development, rehabilitation, and restoration of park and recreation areas and facilities pursuant to the Roberti-Z Berg-Harris Open Space and Recreational Program Act (Chapter 3.2 (commencing with Section 5620)).

The sum of ten million dollars ($10,000,000) to the Department of Conservation in accordance with Section 5096.356.
The sum of ten million dollars ($10,000,000) to the Department of Forestry and Fire Protection for urban forestry programs in accordance with Section 4799.12. The grants made pursuant to this subdivision shall be for costs associated with the purchase and planting of trees, and up to three years of care which ensures the long-term viability of those trees.

Notwithstanding Section 711 of the Fish and Game Code, the sum of twelve million dollars ($12,000,000) to the Department of Fish and Game for wetlands restoration along the Sacramento River in Yolo, Glenn, and Colusa Counties (commencing with Section 31160) of Division 21. Two hundred fifty thousand dollars ($250,000) shall be allocated to Mount Diablo State Park.

The sum of seven million dollars ($7,000,000) to the California Integrated Waste Management Board for grants to local agencies to assist them in meeting state and federal accessibility standards relating to public playgrounds if the local agency guarantees that 50 percent of the grant funds will be used for the improvement or replacement of playground facilities that are inaccessible to persons with disabilities and that matching funds in an amount equal to not less than 50 percent of the total amount of grant funds will be provided through either public or private funds or in-kind contributions. The board may reduce this matching fund requirement if the local agency determines that the 50-percent requirement would impose an extreme financial hardship on the local agency applying for the grant. The board may expend the funds allocated pursuant to this subdivision, upon approval of the Legislature, for the purpose of developing or improving public playground equipment upgrades in state recreation areas.

The sum of fifteen million dollars ($15,000,000) to a city for rehabilitation, restoration, or enhancement to a city park that is over 1,000 acres that serves an urban area of over 750,000 population in the northwestern portion of the state and that provides recreational, cultural, and scientific resources.

The sum of six million two hundred fifty thousand dollars ($6,250,000) to the secretary to administer grants to the Sierra Nevada Conservancy for the purpose of restoring natural communities, in accordance with Sections 2001 and 78612 of the Water Code, and any other applicable authority, for the following purposes:

(A) Twenty-five million dollars ($25,000,000) for the acquisition or restoration of public lands within the Los Angeles River Watershed, the San Gabriel River Watershed, and the San Gabriel Mountains and to provide open space, nonmotorized trails, bike paths, and other low-impact recreational uses and wildlife and habitat restoration and protection. Those lands ($33,500,000) shall be allocated for the San Gabriel River Watershed, and fifteen million dollars ($15,000,000) shall be allocated for the San Gabriel Mountains and lower Los Angeles River.

(B) To provide $2,500,000 for river parkway projects along the Kern River between the mouth of the Kern Canyon and I-5.

(C) One million dollars ($1,000,000) for land acquisition in the Santa Clarita Watershed.

(D) Three million dollars ($3,000,000) for watershed, riparian, and wetlands restoration along the Sacramento River in Yolo, Glenn, and Colusa Counties.

(E) Two million dollars ($2,000,000) for the construction of a visitor center at a state recreation area encompassing a body of water along the American River.

The sum of two million dollars ($2,000,000) to the secretary for resource conservation and urban water recycling that addresses multicounty regional recreational needs, provides habitat restoration, and enjoys joint sponsorship by multiple local agencies and nonprofit organizations or associations.

The sum of one million one hundred thousand dollars ($1,100,000) to the secretary, one hundred thousand dollars ($100,000) of which shall be made available to fund a community center in San Benito County, and two hundred thousand dollars ($200,000) of which shall be made available to fund a veterans park in San Benito County, five hundred thousand dollars ($500,000) of which shall be made available to fund a community center in the City of Galt, and four hundred thousand dollars ($400,000) of which shall be made available to fund a community center in the City of Gilroy.

The sum of two million dollars ($2,000,000) to the secretary for Camp Arroyo in Alameda County.

The sum of one million dollars ($1,000,000) to the secretary to construct a rehabilitation center for injured endangered and indigenous wild animals at the Wildhaven Center in the San Bernardino Mountains.

Article 3. State Park System Program

The Legislature hereby recognizes that public financial resources are inadequate to meet all capital outlay needs of the state park system. The Legislature finds that the 50-percent requirement for the acquisition of state park lands and facilities has increased to the point that their continued well-being and the realization of their full public benefit is in jeopardy. Therefore, the department shall annually submit to the Legislature and to the secretary a report, consisting of a prioritized listing and comparative evaluation of needs.

Projects approved by the secretary shall be forwarded by the secretary to the Director of Finance for inclusion in the Budget Bill. Notwithstanding Section 2001 Deferred Maintenance (commencing with Section 31160) of Division 21.

The sum of five million dollars ($5,000,000) for expenditure in accordance with subdivision (a) of Section 5096.357.

The sum of five million dollars ($5,000,000) for expenditure in accordance with subdivision (b) of Section 5096.357.

The sum of two million dollars ($2,000,000) to remove nonnative vegetation harmful to ecological reserves in San Diego County.

The sum of thirty million dollars ($30,000,000) shall be available for purposes of subdividing (consomming with Section 31160) of Division 21. Two hundred fifty thousand dollars ($250,000) shall be allocated to Mount Diablo State Park.

The sum of twelve million dollars ($12,000,000) for the Department of Fish and Game to take action on behalf of the Department of Fish and Game to purchase lands and facilities for fish and wildlife. The acquisition of lands and facilities for fish and wildlife shall be made available to fund a community center in the City of Galt, and four hundred thousand dollars ($400,000) of which shall be made available to fund a community center in the City of Gilroy.

The sum of five million dollars ($5,000,000) to the secretary to fund a community center in the City of Galt, and four hundred thousand dollars ($400,000) of which shall be made available to fund a veterans park in San Benito County, five hundred thousand dollars ($500,000) of which shall be made available to fund a community center in the City of Galt, and four hundred thousand dollars ($400,000) of which shall be made available to fund a community center in the City of Gilroy.

The sum of two million dollars ($2,000,000) to the secretary for Camp Arroyo in Alameda County.

The sum of one million dollars ($1,000,000) to the secretary to construct a rehabilitation center for injured endangered and indigenous...
Article 4. Grant Program

5096.331. The Legislature hereby recognizes that public financial resources are inadequate to meet all of the funding needs of local public park and recreation providers and that there is an urgent need for safe, open, and accessible public parks and recreation facilities for the increased recreational opportunities that provide positive alternatives to social problems. Accordingly, it is declared to be the policy of this state that the funds allocated pursuant to subdivisions (f) and (g) of Section 5096.310 to local agencies shall be appropriated primarily for projects that accomplish all of the following:

(a) Rehabilitate facilities at existing local parks that will provide for more efficient management and reduced operational costs. This may include the closing of facilities and the reallocation of the existing facility's land acquisitions for the innovation of recreational facilities conveyed to local agencies resulting from the downsizing and decommissioning of federal military installations.

(b) Develop facilities that promote positive alternatives for youth and that provide family-oriented recreation, including art activities.

d) Provide for open, safe, and accessible local park lands, facilities, and botanical gardens.

5096.332. (a) Sixty percent of the total funds available for grants pursuant to subdivision (f) of Section 5096.310 shall be allocated to cities and to districts other than a regional park district, regional park and open-space districts, or regional open-space districts. Each city's and district's allocation shall be in the same ratio as the city's or district's population is to the combined total of the state's population that is included in incorporated areas and unincorporated areas within the city's or district's boundaries. In any instance in which the boundary of a city overlaps the boundary of a district, the population in the area of overlapping jurisdictions shall be attributed to each jurisdiction in proportion to the extent to which the jurisdiction manages parks and recreational areas and facilities for that population.

(b) Each city and each district subject to subdivision (a) whose boundaries overlap shall develop a specific plan for allocating the grant funds in the form and within the time frame prescribed in subdivision (a), and by April 1, 2001, the plan shall be agreed to by the city and district and submitted to the department, the director shall determine the allocation of the grant funds among the affected jurisdictions.

(c) Forty percent of the total funds available for grants pursuant to subdivision (f) of Section 5096.310 shall be allocated to counties and regional park districts, regional park districts, and regional open-space districts formed pursuant to Article 3 (commencing with Section 53500) of Chapter 3.

(d) Each county's allocation under subdivision (b) shall be in the same ratio as the county's population, except that each county shall be entitled to a minimum allocation of one hundred fifty thousand dollars ($150,000). The funds shall be allocated to the district.

(e) In any county that currently embraces all or part of the territory of a regional park district, regional park and open-space district, or regional open-space district, whose board of directors is not the county board of supervisors, the county board of supervisors may authorize the county's allocation of the amount being allocated to the county in subdivision (a), (b), (c), or (d), by increasing the county's allocation under subdivision (b) by an amount equal to the amount of the county's share shall be divided equally between the county and the authority. The county shall receive all of the county's second balance.

5096.334. Notwithstanding Section 5096.331, of the funds allocated on the basis of population pursuant to subdivision (f) of Section 5096.310 within counties with a population of five million persons or more, not less than 75 percent of the total amount shall be available as follows:

(a) Not less than 20 percent for land acquisition, construction, development, and rehabilitation of at-risk youth recreation facilities. As used in this subdivision, "at-risk persons" means persons who have not attained the age of 21 years and are at high risk of being involved in, or are involved in, one or more of the following: gangs, juvenile delinquency, criminal activity, substance abuse, adolescent pregnancy, school failure or dropout.

(b) Not less than 40 percent for projects within the most economically disadvantaged areas, which may include projects along river parkways, conservation corridors, and parkways along corridors of economic significance.

(c) Not less than 10 percent for urban reforestation projects.

(d) Not more than 5 percent for projects that convert publicly owned land to a neighborhood park providing open-space, recreational, and school festival opportunities, if the bond proceeds do not exceed 25 percent of the total project cost and there is a 75 percent funding match.

5096.335. Funds authorized pursuant to subdivision (f) of Section 5096.310 shall be administered by the State Office of Historic Preservation and shall be available as grants, on a competitive basis, to cities, counties, districts, and special districts, for the acquisition, development, rehabilitation, restoration, and interpretation of historical resources.

5096.336. (a) Of the funds authorized pursuant to subdivision (f) of Section 5096.310, three hundred thirty-eight million dollars ($338,000,000) shall be allocated to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population. For purposes of this subdivision, "urbanized counties" means a county with a population of 50,000 or more as of the 2000 United States Census.

(b) Of the funds authorized pursuant to subdivision (f) of Section 5096.310, fifty million dollars ($50,000,000) available for grants pursuant to subdivision (f) of Section 5096.310 shall be allocated to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population. For purposes of this subdivision, "urbanized counties" means a county with a population of 50,000 or more as of the 2000 United States Census.

(c) Of the funds authorized pursuant to subdivision (f) of Section 5096.310, thirty million dollars ($30,000,000) shall be allocated to cities and districts in urbanized counties providing park and recreation services within jurisdictions of 200,000 or less in population. For purposes of this subdivision, "urbanized counties" means a county with a population of 50,000 or more as of the 2000 United States Census.
(4) Not more than 5 percent of the total funds available pursuant to this subdivision shall be granted for publicly owned or nonprofit zoos and wildlife centers that may not be accredited, but that care for animals that have been injured or abandoned and that cannot be returned to the wild. Funds appropriated for grants pursuant to this subdivision shall be granted for publicly owned or nonprofit zoos and wildlife centers that may not be accredited, but that care for animals that have been injured or abandoned and that cannot be returned to the wild. Applicants shall demonstrate that they serve a regional area, foster the environmental relationships of animals within that region, and operate outreach and onsite programs communicating those objectives to the public.

(b) At least ten million dollars ($10,000,000) of the funds allocated pursuant to paragraph (1) of subdivision (l) of Section 5096.310 shall be provided to the California Science Center for implementation of the California Science Center Master Plan. Three million dollars ($3,000,000) of this amount shall be made available to the California African-American Exposition for completion of its education and visitor facility in Exposition Park and seven million dollars ($7,000,000) of this amount shall be made available for the California Science Center School.

(c) Not less than five hundred thousand dollars ($500,000) of the funds allocated pursuant to paragraph (1) of subdivision (l) of Section 5096.310 shall be available as grants for facilities for education programs focused on the National Marine Sanctuaries along California’s coast.

(d) Not less than forty-four million seven hundred fifty thousand dollars ($44,750,000) of the funds allocated pursuant to paragraph (1) of subdivision (g) of Section 5096.310 shall be made available for the following purposes:

1. At least ten million dollars ($10,000,000) shall be provided to the Discovery Science Center, a science museum in Santa Ana for capital improvement.

2. At least ten million dollars ($10,000,000) shall be provided to the California Academy of the Sciences for capital improvement projects.

3. At least two million dollars ($2,000,000) shall be provided toward the creation of the Delta Science Center to carry out significant marine education and interpretive programs.

4. At least fifteen million dollars ($15,000,000) shall be provided to the Alliance for Redding Museums for capital improvements for the Turtle Bay-Museums and the Arboretum on the River.

5. An individual grant of four million two hundred fifty thousand dollars ($4,250,000) shall be made to the California Division of Fairs and Expositions of the Department of Food and Agriculture for capital outlay to assist with the construction of a new fairground and facilities for wildlife education or environmental education.

(e) Not less than one million dollars ($1,000,000) shall be provided to the California Museum of Science and Industry to assist with developing an interpretive center for the California Academy of Sciences.

(f) Not less than one thousand dollars ($1,000) per capita shall be provided to regions to assist the development of local museums.

(5) An individual grant of four million two hundred fifty thousand dollars ($4,250,000) shall be made to the California Science Center, a national museum in Exposition Park and seven million dollars ($7,000,000) of this amount shall be made available for the California Science Center School.

(6) The sum of three million five hundred thousand dollars ($3,500,000) to enhance the two-acre historical exhibit at the Kern County Museum.

(7) Not less than 11 percent of the funds authorized in paragraph (1) of subdivision (i) of Section 5096.310 shall be available as grants for facilities for education programs focused on the National Marine Sanctuaries along California’s coast.

(8) At least ten million dollars ($10,000,000) shall be provided to the California Academy of the Sciences for capital improvement projects.

(9) Not less than two million dollars ($2,000,000) shall be provided toward the creation of the Delta Science Center to carry out significant marine education and interpretive programs.

(10) Not less than fifteen million dollars ($15,000,000) shall be provided to the Alliance for Redding Museums for capital improvements for the Turtle Bay-Museums and the Arboretum on the River.

(11) An individual grant of four million two hundred fifty thousand dollars ($4,250,000) shall be made to the California Division of Fairs and Expositions of the Department of Food and Agriculture for capital outlay to assist with the construction of a new fairground and facilities for wildlife education or environmental education.

(12) Not less than one million dollars ($1,000,000) shall be provided to the California Museum of Science and Industry to assist with developing an interpretive center for the California Academy of Sciences.

(13) Not less than one thousand dollars ($1,000) per capita shall be provided to regions to assist the development of local museums.
approval of the Director of Finance, and those grants, gifts, devises, or bequests may be available, upon appropriation by the Legislature, for expenditure for the purposes specified in Section 5096.310.

5096.345. Except for funds continuously appropriated by this chapter, all appropriations of funds pursuant to Section 5096.310 for purposes of the program shall be included in the Budget Bill for the 2001-02 fiscal year, and each succeeding fiscal year, for consideration by the Legislature, and shall bear the label “Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villafranca-Gates-Keeley Act) Fund.” The Budget Bill section shall contain separate items for each project, each class of project, or each element of the program for which an appropriation is made.

Article 4.5. Clean Air Improvement Program

5096.346. (a) In allocating funds pursuant to subdivision (u) of Section 5096.310, the Department of Forestry and Fire Protection shall give preference to the planting of trees that provide greater air quality benefits and to urban forestry projects that provide greater energy conservation benefits.

(b) The Department of Forestry and Fire Protection shall consult with the State Air Resources Board in developing guidelines for the allocation of grant funds pursuant to subdivision (u) of Section 5096.310 that promote air quality benefits.

(c) State and local agencies shall consider potential air quality benefits when allocating funds received pursuant to this chapter.

Article 4.6. Sierra Nevada-Cascade Mountain Region

5096.347. (a) The Legislature hereby finds and declares that the Sierra Nevada and Cascade Mountain Region constitutes a unique and important environmental, anthropological, cultural, scientific, educational, recreational, scenic, water, watershed, and wildlife resource that should be held in trust for the enjoyment of, and appreciated by, present and future generations.

(b) The secretary shall administer grants to the Sierra Nevada-Cascade Program to assist local governments, agencies, districts, and nonprofit organizations working in collaboration with those local governments, agencies, and districts to plan, create, and conserve the Sierra-Cascade natural ecosystem. The secretary shall make funds available on a competitive basis for all of the following activities:

1. The acquisition and restoration of riparian habitat in accordance with Sections 7048 and 78682.2 of the Water Code to improve water quality, and to protect, restore, or rehabilitate watersheds, streams, wetlands, or other aquatic habitat.

2. Capital improvement projects that provide park and recreational opportunities.

3. Access to trails and public lands, in accordance with Article 6 (commencing with Section 5070) of Chapter 1 of Division 5.

4. Acquisition of park lands or recreational facilities.

5. The secretary shall give priority to fund up to two million dollars ($2,000,000) for Commons Beach improvements on properties owned or administered by local agencies in the Lake Tahoe area, that will provide improved lake access, bicycle and pedestrian trail linkages, and interpretive facilities.

(d) The secretary may provide the following capital outlay grants:

1. Five hundred thousand dollars ($500,000) for capital outlay to an incorporated city all or part of the territory of which is located within five miles of the boundary line between San Joaquin County and Sacramento County.

2. Two hundred fifty thousand dollars ($250,000) to the department for the renovation of a state historical point of interest near the intersection of Jack Tone Road and State Highway 86.

(e) For the purposes of this article, the Sierra Nevada-Cascade Mountain Region includes portions of Fresno County, Kern County, Stanislaus County, and Tulare County, and counties with populations of less than 250,000 as of the 1990 United States Census, that are located in the mountains, the foothills, and the area adjacent to the geologic formations of the Sierra Nevada and Cascade mountain ranges.

Article 4.7. Murray-Hayden Urban Parks and Youth Service Program

5096.348. (a) Notwithstanding any other provision of this chapter, funds allocated pursuant to subdivision (i) of Section 5096.310 shall be allocated, upon appropriation by the Legislature, for parks, park facilities, or environmental youth service centers that are within the immediate proximity of a neighborhood that has been identified by the department as an area with critical age, race, and economic demographics, or deteriorated park facilities, that are in an area of significant poverty and unemployment, and that have a shortage of services for youth. Priority shall be given to capital projects that employ neighborhood residents.

(b) (1) Fifty percent of the funds allocated pursuant to subdivision (i) of Section 5096.310 shall be made available on a competitive basis to heavily urbanized counties and cities or to nonprofit organizations or park districts in those counties and cities, in compliance with subdivision (a) and the matching requirements of the Roberti-Zberg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620).

(2) No more than 10 percent of the amounts made available pursuant to paragraph (1) shall be allocated to fund grants pursuant to Chapter 2.5 (commencing with Section 990) of Part 1 of Division 2 of the Welfare and Institutions Code, at least 10 percent of which shall be granted to support organizations that are part of the solution, pursuant to paragraph (2) of Section 501(c)(3) of the Internal Revenue Code that are chartered by a national youth service organization.

Article 5. Wildlife Program

5096.350. (a) Funds appropriated pursuant to subdivision (m) of Section 5096.310 shall be available for expenditure by the Wildlife Conservation Board for acquisition, creation, restoration, and protection of real property benefiting fish and wildlife for the acquisition, restoration, or protection of habitat that promotes recovery of threatened, endangered, or fully protected species, maintains the genetic integrity of wildlife populations, and serves as corridors linking otherwise separate habitat to prevent habitat fragmentation, and for grants and related state administrative costs pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code), for the following purposes:

1. Ten million dollars ($10,000,000) for the acquisition or restoration of wetland habitat, as follows:

(A) Five million dollars ($5,000,000) for the acquisition, preservation, restoration, and establishment, or any combination thereof, of wetlands that are located within the central Valley Habitat Joint Venture Component of the North American Waterfowl Management Plan and the Inland Wetlands Conservation Program, notwithstanding Section 711 of the Fish and Game Code. Preference shall be given to projects involving the acquisition of wetlands that provide for the establishment, restoration, and protection of wetlands and adjacent lands, or any combination thereof, located outside the Sacramento-San Joaquin Valley.

(B) Five million dollars ($5,000,000) for the acquisition, development, restoration, and protection of wetlands and adjacent lands, or any combination thereof, located outside the San Francisco Bay Area.

2. Forty-five million dollars ($45,000,000), upon appropriation by the Legislature, for the restoration, or acquisition from a willing seller, of habitat for threatened and endangered species or for the purpose of promoting the recovery of those species. Fifty million dollars ($50,000,000) of this amount shall be for the acquisition of property along the central coast containing coastal wetlands, including but not limited to, agricultural lands that are necessary to preserve the aegate and habitat values of existing wetlands.

3. Forty million dollars ($40,000,000), upon appropriation by the Legislature, for the acquisition from a willing seller, or restoration of riparian habitat and watershed conservation programs.

4. Forty million dollars ($40,000,000), upon appropriation by the Legislature, for the acquisition, development, or restoration of forest lands, including, but not limited to, old growth riparian forest lands, or other actions taken pursuant to Chapter 10 (commencing with Section 2800) of the Fish and Game Code.

5. Thirteen million dollars ($13,000,000) for the acquisition from a willing seller, or restoration of forest lands, including, but not limited to, ancient redwoods and oak woodlands. Not more than five million dollars ($5,000,000) of this amount shall be for the acquisition, development, or restoration of forest lands, including, but not limited to, ancient redwoods and oak woodlands.

6. Twenty-five million dollars ($25,000,000) for the acquisition, development, or restoration of forest lands, including, but not limited to, old growth riparian forest lands, or other actions taken pursuant to Chapter 10 (commencing with Section 3200) of the Fish and Game Code.

7. Twenty million dollars ($20,000,000) for the acquisition, development, or restoration of forest lands, including, but not limited to, old growth riparian forest lands, or other actions taken pursuant to Chapter 10 (commencing with Section 3200) of the Fish and Game Code.

8. Forty million dollars ($40,000,000) for the acquisition, development, or restoration of forest lands, including, but not limited to, ancient redwoods and oak woodlands.

9. Forty million dollars ($40,000,000) for the acquisition, development, or restoration of forest lands, including, but not limited to, ancient redwoods and oak woodlands.
for the acquisition of real property or other actions taken pursuant to
Chapter 10 (commencing with Section 2800) of the Fish and Game Code.
(6) One hundred million dollars ($100,000,000), upon appropriation
by the Legislature, for the purpose of funding the acquisition of real
property subject to a natural community conservation plan adopted
pursuant to Chapter 10 (commencing with Section 2800) of the Fish and
Game Code, if the action of acquisition or restoration is conducted
in conjunction with a natural community conservation plan approved
by the Department of Fish and Game prior to January 1, 1999, or if the
acquisition is approved by statute.
(7) One hundred million dollars ($100,000,000) for environmental restoration
projects for the following purposes approved pursuant to the Saltan Sea
Restoration Project authorized by Public Law 105-372, the Saltan Sea
Reclamation Act of 1998, and identified in the Final Environmental
Impact Statement of the Saltan Sea Restoration Project:
(A) Redoak, in the long term, healthy fish and wildlife resources and
their habitats.
(B) Stabilize the surface elevation of the Saltan Sea.
(C) Reduce, in the long term, healthy fish and wildlife resources and
their habitats.
(D) Enhance the potential for recreational uses of the Saltan Sea.
(e) Not more than 5 percent of the funds authorized for expenditure
by this section may be used for public access and wildlife-oriented public
use projects.

Article 6. Lake Tahoe Program
5096.351. (a) The Legislature has recognized the need to protect and
restore the fragile environment at Lake Tahoe and the Tahoe Regional Planning Agency has prepared an Environmental Improvement Program that outlines a capital outlay approach to help achieve environmental thresholds in the basin, of which allocates funds to responsibilities over the first 10 years of the project in the
amounts of approximately two hundred seventy-four million dollars ($274,000,000) to the State of California, two hundred ninety-seven million dollars ($297,000,000) to the federal government, eighty-two million dollars ($82,000,000) to the State of Nevada, one hundred one million dollars ($101,000,000) to local governments, and one hundred fifty-three million dollars ($153,000,000) to the private sector.

(b) Funds allocated pursuant to subdivision (n) of Section 5096.310 shall be available for expenditure for the development, restoration, acquisition from a willing seller, and enhancement of real property, by the California Tahoe Conservancy within the Lake Tahoe region pursuant to Title 7.42 (commencing with Section 66905) of the Government Code for the following purposes:
(1) Protecting the natural environment through preservation of environmentally sensitive lands, soil erosion control, restoration or enhancement of watersheds, and restoration or enhancement of streams and other natural areas.
(2) Providing public access and public recreation opportunities.
(3) Enhancing and restoring wildlife areas.

(c) The proceeds from this section shall be used to meet applicable state responsibilities pursuant to the Tahoe Regional Planning Agency's Environmental Improvement Program.

(d) The allocation of these funds has been made in the expectation that the State, the county, the local jurisdictions, and the private sector will fulfill their respective obligations pursuant to the Environmental Improvement Program. The secretary shall report annually to the Legislature on the progress of the development and implementation of the division of responsibility. The Secretary shall include a portion of the proceeds of these funds may be restricted in the event that the parties are found to be making inadequate progress or are not making good faith efforts towards fulfilling their respective obligations.

Article 7. Coastal Protection Program
5096.352. Funds allocated pursuant to subdivision (o) of Section 5096.310 shall be available for expenditure by the State Coastal Conservancy pursuant to Division 21 (commencing with Section 31000) for the acquisition from a willing seller, preservation, restoration, and enhancement of real property or an interest in real property, and local and public use facilities in those areas in accordance with the following schedule:

(a) Twenty-five million dollars ($25,000,000) for projects funded pursuant to the San Francisco Bay Area Conservation Program established pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21.

(b) Thirty-five million dollars ($35,000,000) to acquire, improve, or restore park, wildlife, or natural areas, including areas near or adjacent to the state park system where such units may be located within a local jurisdiction within the Santa Monica Mountains Zone or Rim of the Valley Trail Corridor.

(c) Thirty-five million dollars ($35,000,000) to acquire, improve, or restore park, wildlife, or natural areas, including areas near or adjacent to the state park system where such units may be located within a local jurisdiction within the Santa Monica Mountains Zone or Rim of the Valley Trail Corridor.

(d) Twenty-five million dollars ($25,000,000) shall be made available to the State Coastal Conservancy for expenditure for the acquisition of area funding for the conservation of coastal and marine watersheds, and development of public use facilities in those areas in accordance with the following schedule:

(e) Twenty-five million dollars ($25,000,000) shall be available, upon appropriation by the Legislature, to the State Coastal Conservancy and the Department of Fish and Game for direct expenditure and for grants to public agencies and nonprofit organizations for farmland protection and administration of the

(f) Fifty million dollars ($50,000,000) shall be available for expenditure by the State Coastal Conservancy for expenditure for the acquisition, development, enhancement, and protection of land, and for administrative costs incurred in connection therewith, in accordance with Division 23 (commencing with Section 31330).

Article 9. San Joaquin River Program
5096.355. Funds allocated pursuant to subdivision (r) of Section 5096.310 shall be available to the Department of Conservation for grants, on a competitive basis, to state and local agencies and nonprofit organizations for farmland protection and administration of the

Article 10. Agriculture Program
5096.356. (a) Funds allocated pursuant to subdivision (t) of Section 5096.310 shall be available to the Department of Conservation for grants, on a competitive basis, to state and local agencies and nonprofit organizations for farmland protection and administration of the
Agricultural Land Stewardship Program Act of 1995 (Division 10.2 (commencing with Section 10200)), or its successor program. This purpose shall include, but not be limited to, the placement of improvements and acquisition of agricultural conservation easements and other interests in land pursuant to the Agricultural Land Stewardship Program.

(b) At least 20 percent of the funds allocated pursuant to subdivision (t) of Section 5096.310 shall be available for projects that preserve agricultural lands and protect water quality in the counties that serve the San Pablo Bay.

Article 11. Fish and Game Program

5096.357. (a) Funds allocated pursuant to paragraph (1) of subdivision (v) of Section 5096.310 shall be available to the Department of Fish and Game for the exclusive purpose of acquiring habitat preservation and enhancement agreements on private wetlands pursuant to the California Waterfowl Habitat Program—Phase II and administrative costs incurred in connection therewith. Expenditure of those funds shall be consistent with the purposes identified in Section 3702 of the Fish and Game Code.

(b) Funds allocated pursuant to paragraph (2) of subdivision (v) of Section 5096.310 shall be available to the Department of Fish and Game for the exclusive purpose of acquiring habitat preservation and enhancement agreements on private wetlands pursuant to the California Waterfowl Habitat Program—Phase II and administrative costs incurred in connection therewith. Expenditure of those funds shall be consistent with the purposes identified in Section 3702 of the Fish and Game Code.

Article 12. California Indian Tribe Participation

5096.358. To the extent funds authorized pursuant to this chapter are available for competitive grants to local government entities, federally recognized California Indian tribes may apply for those grants, the tribes shall apply shall be considered on its merits, and the tribes shall expend any funds received for the purpose authorized by this chapter for which the funds are made available.


5096.360. Bonds in the total amount of two billion one hundred million dollars ($2,100,000,000), not including the amount of any refunding bonds issued in accordance with Section 5096.370, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes set forth in Section 5096.310 and to use to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of the principal of, and interest on, the bonds as the principal and interest become due and payable. Pursuant to this section, the Treasurer shall sell the bonds authorized by the Secretary of the California Department of Fish and Game (Villaraigosa-Keeley Act) Finance Committee is hereby created pursuant to subdivision (a) of Section 5096.362 at any different time that is necessary to service expenditures appropriated pursuant to this chapter.

The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

5096.362. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Finance Committee is hereby created. For purposes of this chapter, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Finance Committee is the committee as that term is used in the State General Obligation Bond Law. The committee consists of the Director of Finance, the Treasurer of the State of California, or their designees or representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

(b) For purposes of the State General Obligation Bond Law, the secretary is designated the “board.”

5096.363. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter to carry out Section 5096.310 and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

5096.364. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds maturing each year. It is the duty of the controller, charged with the duty of collecting the revenue to do and perform each and every act which is necessary to collect that additional sum.

5096.365. Notwithstanding Section 13340 of the Government Code, the proceeds 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.

(b) The sum necessary to carry out Section 5096.366, appropriated without regard to fiscal years.

5096.366. For purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized to be sold for the purpose of carrying out this chapter. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund from proceeds received from the sale of bonds for the purpose of carrying out the purposes of this chapter.

5096.367. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, the cost of bond issuance shall be paid out of the bonds issued. The costs shall be paid proportionally by each program funded through this bond act.

5096.367.5. Actual costs incurred in connection with administering programs authorized under the priorities established in Section 5096.310 shall be paid from the funds authorized by this act.

5096.368. The secretary may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, including other authorized forms of interim financing that include, but are not limited to, commercial bank loans, in accordance with Section 16312 of the Government Code, for purposes of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The secretary shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

5096.369. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.370. Proceeds of bonds refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law, Approval by the voters of the state of the issuance of any bonds to refund any bonds originally issued under this chapter or any previously issued refunding bonds.

5096.371. Notwithstanding any provision of this chapter or the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or to take any other action with respect to the invested proceeds that is 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 proceeds of this state.

5096.372. (a) The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations that apply to such proceeds.

(b) Funds provided pursuant to this chapter, and any appropriation or transfer of those funds, shall not be deemed to be a transfer of funds for the purposes of Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.

Proposition 13: Text of Proposed Law

This law was proposed by Assembly Bill 1564 of the 1999-2000 Regular Session (Chapter 725, Statutes of 1999) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.
This proposed law amends, adds, and repeals, and repeals and adds sections to the Water Code; therefore, existing provisions proposed to be deleted are printed in **strikeout type** and new provisions proposed to be added are printed in **italic type** to indicate that they are new.

### PROPOSED LAW

**SECTION 1. Division 26 (commencing with Section 79000) is added to the Water Code, to read:**

**DIVISION 26. SAFE DRINKING WATER, CLEAN WATER, WATERSHED PROTECTION, AND FLOOD PROTECTION ACT**

**CHAPTER 1. SHORT TITLE**

79000. This division shall be known and may be cited as the \( \text{Costa-Machado Water Act of 2000} \). **Chapter 2. Definitions**

79005. Unless the context otherwise requires, the definitions set forth in this chapter govern the construction of this division.

79006. “Bay-delta” means the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

79007. “Board” means the State Water Resources Control Board.

79008. “CALFED” refers to the consortium of state and federal agencies with management and regulatory responsibilities in the bay-delta that are developing a long-term plan for water management, environmental, and other problems in the bay-delta watershed.


79010. “Funding the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Finance Committee created by Section 79212.”


79012. “Department” means the Department of Water Resources.


79019. The proceeds of bonds issued and sold pursuant to this division shall be deposited in the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund, which is hereby created.

**CHAPTER 3. SAFE DRINKING WATER, CLEAN WATER, WATERSHED PROTECTION, AND FLOOD PROTECTION BOND FUND**

79019. The proceeds of bonds issued and sold pursuant to this division shall be deposited in the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund, which is hereby created.

**CHAPTER 4. SAFE DRINKING WATER PROGRAM**

**Article 1. Definitions**

79020. Unless the context otherwise requires, the following definitions govern the construction of this chapter.

(a) “Federal act” means the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.), and includes any amendments thereto.

(b) “State department” means the State Department of Health Services.

(c) “Supplier” means any person, partnership, corporation, association, public agency, or other entity, including any Indian tribe having a federally recognized governing body carrying out substantial governmental functions and powers over any area, that owns or operates a public water system.

**Article 2. Safe Drinking Water State Revolving Fund**

79021. The sum of seventy million dollars ($70,000,000) is hereby transferred to the State Water Resources Control Board, to be known as the Safe Drinking Water State Revolving Fund created by Section 116760.30 of the Health and Safety Code.

**Article 3. Safe Drinking Water Program**

79022. (a) The money transferred to the Safe Drinking Water State Revolving Fund pursuant to Section 79021, except as otherwise provided in Sections 79022.7 and 79025, shall be used by the state department for loans and grants to suppliers for the purposes of undertaking infrastructure improvements and related actions to meet drinking water standards, in accordance with the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760) of Part 12 of Division 104 of the Health and Safety Code). The money transferred to the Safe Drinking Water State Revolving Fund shall be known as the “State Revolving Fund.”

(b) A supplier that is eligible for a loan under Section 300-120(i) of the federal act (42 U.S.C. Sec. 1452(i)) may concurrently make application for funds annually appropriated under the federal act and for bond proceeds made available under this chapter. The state department shall not place a public water system on the priority list for project funding or enter into a contract and award a grant or loan if a supplier has previously received a grant for public water system expenditure for the same project under Section 300-120(i) of the federal act (42 U.S.C. Sec. 1452(i)) or if such supplier does not have a public water system permit pursuant to Section 116525 of the Health and Safety Code. The state department may place a public water system on the priority list for funding if a supplier has not otherwise received a letter of commitment to make a grant or loan under the Safe Drinking Water State Revolving Fund, which is hereby created.

(c) The Legislature finds and declares that Indian tribes shall be encouraged to cooperate with an adjacent public water system to determine whether the delivery of water from the public water system to the Indian tribe would be feasible and cost-effective in comparison to the improvement of a public water system owned or operated by the Indian tribe. The determination of feasibility shall include an assessment of whether the tribal water supplier possesses adequate financial, managerial, and technical capability to ensure the delivery of pure, wholesome, potable water to the consumers. The Legislature further finds and declares that public water suppliers shall be encouraged to investigate opportunities for Indian tribes to deliver water beyond trust land boundaries to consumers that may not be economically served by a public water system.

(d) The state department shall encourage loan or grant applicants, where feasible, to consider the consolidation of small public water systems and community water systems with other public water systems to reduce the cost of service and improve the level of protection for consumers.

(e) To the extent that loans under this chapter that are made to a public water system regulated by the Public Utilities Commission bear a lower interest rate than that supplier could receive from nongovernmental sources, the Public Utilities Commission shall ensure that the entire benefit of the interest rate differential shall benefit the rate payers of that system by including the lower interest rate when establishing the water system's weighted average cost of capital.

79023. There is hereby created in the Safe Drinking Water State Revolving Fund the Technical Assistance Account.

79024. Of the funds transferred pursuant to Section 79021, the sum of two million dollars ($2,000,000) is hereby transferred to the Safe Drinking Water State Revolving Fund to the Technical Assistance Account.

79025. (a) Notwithstanding Section 13340 of the Government Code, the money in the Technical Assistance Account is hereby continuously appropriated, without regard to fiscal years, to the state department, to provide technical assistance to public water systems in the state in accordance with Section 300-120(i) of the federal act (42 U.S.C. Sec. 1452(i)).

79026. Not more than 3 percent of the total amount deposited in the account may be used to pay costs incurred in connection with the administration of this chapter.

**Article 4. Flood Protection Program**

**Article 1. Flood Protection Account**

79030. For the purposes of this chapter, “account” means the Flood Protection Account created by Section 79031.

79031. The Flood Protection Account is hereby created in the fund. The sum of two hundred ninety-two million dollars ($292,000,000) is hereby transferred from the fund to the account.

**Article 2. Floodplain Mapping Program**

79033. (a) There is hereby created in the account the Floodplain Mapping Subaccount.

(b) Of the sum of two million five hundred thousand dollars ($2,500,000) is hereby transferred from the account to the Floodplain Mapping Subaccount for the purposes of implementing this article.

(c) The Legislature finds and declares that public water suppliers shall be encouraged to investigate opportunities for Indian tribes to deliver water beyond trust land boundaries to consumers that may not be economically served by a public water system.
(a) Mapping newly identified floodplains.
(b) Mapping rural areas with potential for urbanization.
(c) Mapping flood hazard areas with undefined 100-year flood elevations.
(d) Updating flood hazard maps.
(e) Accelerating mapping of riverine floodplains, alluvial fans, and coastal flood hazard areas.
(f) Collecting outdated floodplain maps.

79033.6. (a) The money in the Agriculture and Open Space Mapping Subaccount, upon appropriation by the Legislature to the Department of Conservation, may be used by the Department of Conservation for the purposes of assisting local land-use planning by making available Important Farmland Series maps and Interim Farmland maps, as those terms are defined in Section 65570 of the Government Code. The information obtained in the Department of Conservation floodplains and flood hazard maps developed by the department to protect agricultural land resources coincident with avoidance or reduction of flood risk and damage to real property in agricultural land developed by the department of Conservation shall include, but is not limited to, all of the following:

(1) Accelerating production of Important Farmland Series maps and Interim Farmland maps.
(2) Increasing the coverage and availability of soil surveys conducted by the United States Natural Resource Conservation Service.
(3) Increasing topographic, sal, and agricultural crop data collection and enhancing conservation capacity.
(4) Developing integrated mapping that incorporates Important Farmland Series mapping and Interim Farmland mapping data with other relevant information, including, but not limited to, floodplain or flood hazard information, planning designation, and other land and natural resource data.

(b) The funds in the subaccount may be used to pay costs incurred in connection with the implementation of this article.

79035. (a) There is hereby created in the account the Flood Protection Corridor Subaccount.
(b) For the purposes of this article, “subaccount” means the Flood Protection Corridor Subaccount created by subdivision (a).

79036. (a) Twenty million dollars ($20,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79037. (a) The money in the subaccount, upon appropriation by the Legislature, shall be used for the protection, creation, and enhancement of flood protection corridors through all of the following actions:

(1) Acquiring easements and other interests in real property from willing sellers to protect or enhance flood protection corridors and floodplains while preserving or enhancing the agricultural use of the real property.
(2) Setting back existing flood control levees and, in conjunction with undertaking those setbacks, strengthening or modifying existing levees.
(3) Acquiring easements or other interests in real property from willing sellers to protect or enhance flood protection corridors while preserving or enhancing the wildlife value of the real property.

(b) The money in the subaccount, upon appropriation by the Legislature, shall be used to prevent, protect, and minimize the impact on adjacent landowners. The plan shall indicate which of the following, or any combination of them, shall be implemented:

(1) Acquiring easements and other interests in real property from willing sellers to protect or enhance flood protection corridors while preserving or enhancing the wildlife value of the real property.

(c) Within one year of the date on which money is transferred, the Department of Conservation shall hold a public hearing to receive public comment and information regarding the uses for which funds may be used. The funds transferred pursuant to this article shall be deposited into the Flood Protection Corridor Subaccount.

79038. (a) For the purposes of this article, the department shall give highest priority to projects that include one of the following:

(1) Projects that have been assigned high priority for completion by the department for flood protection purposes and by the Department of Conservation for purposes of preserving agricultural land in accordance with the Agricultural Land Stewardship Program Act of 1995 (Division 10.2 (commencing with Section 10200) of the Public Resources Code).
(2) Projects that have been assigned high priority for completion by the department for flood protection purposes and by the Department of Fish and Game for wildlife habitat protection or restoration purposes.

(b) Notwithstanding any other provision of this article, the funds transferred pursuant to this article may be used to pay costs incurred in connection with the administration of this article.

79039. (a) In order to ensure that property acquired under paragraph (1) of subdivision (b) of Section 79037 remains usable and can be used for agriculture, and that property interests under that paragraph include a plan to minimize the impact on adjacent landowners, the plan shall include, but not be limited to, public hearings on floodplain management, watercourse management, and land management and use, the identification of essential floodplain areas, and the protection of agricultural land. The plan shall also include a plan to minimize the impact on adjacent landowners.

(b) Any proceeds received from the disposal of a fee interest acquired under this article shall be deposited into the subaccount.

79040. Any acquisition pursuant to this article shall be from a willing seller.

79041. Prior to acquiring an easement or other interest in land pursuant to this article, the project shall include a plan to minimize the impact on adjacent landowners. The plan shall include, but not be limited to, public hearings on floodplain management, watercourse management, and land management and use, the identification of essential floodplain areas, and the protection of agricultural land. The plan shall also include a plan to minimize the impact on adjacent landowners.

79042. Prior to acquiring an easement or other interest in land pursuant to this article, a public hearing in the local community shall be held. Notification shall be given to the county board of supervisors of the affected county, adjacent landowners, affected water districts, local municipalities, and other interested parties, as determined by the department.

79043. Money in the subaccount may be used, upon appropriation by the Legislature, to repair breaches in the flood control system developed pursuant to this article or caused by the development of an easement program financed through this section and to repair water diversion facilities or flood control facilities damaged by a project developed pursuant to this section and financed pursuant to this section.

79044. (a) In expending grant money pursuant to this article to acquire an interest in any particular parcel of land, a local public agency may not sell or dispose of the land except as provided in this section.

(b) The money in the subaccount, upon appropriation by the Legislature to the department, may be used by the department to establish a trust fund to maintain the lands that are acquired pursuant to this section.

79045. (a) It is the intent of this article to address the problem of soaring federal flood insurance rates by assisting local governments to meet technical requirements for participation in the National Flood Insurance Program and the National Flood Insurance Program’s Community Rating System.

(b) Notwithstanding any other provision of this article, the funds transferred pursuant to Section 79036, the sum of one million dollars ($1,000,000) is hereby carried forward, without regard to fiscal years, to the department, as follows:

(1) Five hundred thousand dollars ($500,000) to educate and provide technical assistance to cities and counties regarding the National Flood Insurance Program and the enrollment process.

(c) Notwithstanding any other provision of this article, the funds transferred pursuant to Section 79036, the sum of five million dollars ($5,000,000) is hereby carried forward, without regard to fiscal years, to the department, as follows:

(2) Five hundred thousand dollars ($500,000) to educate and provide technical assistance to cities and counties currently enrolled in the National Flood Insurance Program with regard to the National Flood Insurance Program’s Community Rating System and the implementation of activities creditable under that system.

79046. Notwithstanding any other provision of this article, the sum of five million dollars ($5,000,000), upon appropriation by the Legislature, may be used by the department to repair breaches in the flood control system developed by the department.

79047. Notwithstanding Section 13340 of the Government Code, the money in the subaccount may be used for the acquisition, installation, and implementation of flood control projects through direct expenditure for the acquisition, restoration, enhancement, and protection of real property for the purposes of flood control protection, agricultural land preservation, and wildlife habitat protection, and for grants to local public agencies or nonprofit organizations for these purposes, and for related administrative costs.

79048. (a) Fifteen million dollars ($15,000,000) for local assistance under the Delta Levee Rehabilitation Program.

(b) For the purposes of this article, “Delta Levee Rehabilitation Program Subaccount” means the subaccount created by subdivision (a).

79049. (a) There is hereby created in the account the Delta Levee Rehabilitation Program Subaccount.
(b) For the purposes of this article, “subaccount” means the Delta Levee Rehabilitation Program Subaccount created by subdivision (a).
79048. The expenditures of funds under this article is subject to Subaccount created by Section 79068.

79050. No expenditure of funds may be made under this article unless the Department of Fish and Game makes a written determination as part of its review and approval of a plan or project pursuant to Section 12314 or 12987. The Department of Fish and Game shall make its determination in a reasonable and timely manner following the submission of the project or plan to that department. For the purposes of this article, an expenditure may include more than one levee project or plan.

79051. For the purposes of this article, a levee project includes levee improvements and related habitat improvements undertaken in the delta at a location other than the location of that levee improvement.

79052. Following the date on which a program for the bay-delta is adopted by the Department of Fish and Game, any remaining funds in the subaccount shall be used for levee rehabilitation and improvements to levee projects, that, to the greatest extent possible, are consistent with the program adopted by CALFED.

Arti cle 4. Flood Control Subventions Program

79055. (a) There is hereby created in the account the Flood Control Subventions Subaccount.

(b) For purposes of this article, “subaccount” means the Flood Control Subventions Subaccount created by subdivision (a).

79056. The sum of forty-five million dollars ($45,000,000) is hereby transferred from the fund to the subaccount.

79057. (a) Notwithstanding Section 36540 of the Government Code, or any other provision of law, the money in the subaccount is hereby continuously appropriated, without regard to fiscal year, to the department to pay for the state’s share of the nonfederal costs of flood control and flood prevention projects adopted and authorized as of January 1, 1999, under The State Water Resources Law of 1945 (Chapter 1 (commencing with Section 12570) and Chapter 2 (commencing with Section 12639) of Part 6 of Division 6), The Flood Control and Coastal Protection Act (Chapter 3 (commencing with Section 12800) of Part 6 of Division 6), and The California Watershed Protection and Flood Prevention Law (Chapter 4 (commencing with Section 12850) of Part 6 of Division 6), including the credits and loans to local agencies authorized under Sections 12585, 12586, 12586.3, and 12586.4, and to implement Chapter 5 (commencing with Section 12840) of Part 6 of Division 6.

(b) The money in the subaccount shall be allocated only to projects in the Counties of Contra Costa, Fresno, Kern, Los Angeles, Marin, Napa, Orange, Riverside, San Bernardino, San Diego, Santa Clara, Sonoma, and Ventura.

(c) It is the intent of the Legislature that the state’s share of the nonfederal costs of projects for flood control and flood prevention adopted and authorized after January 1, 2001, shall not exceed that portion of the nonfederal costs authorized pursuant to Chapter 1 (commencing with Section 12570) of Part 6 or any amendments thereto.

Arti cle 5. Urban Stream Restoration Program

79060. (a) There is hereby created in the account the Urban Stream Restoration Subaccount.

(b) For the purposes of this article, “subaccount” means the Urban Stream Restoration Subaccount created by subdivision (a).

79061. The sum of twenty-five million dollars ($25,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79062. The money in the subaccount, upon appropriation by the Legislature to the department, may be used by the department for both of the following:

(a) Grants to local agencies and nonprofit organizations for effective, low-cost flood control projects pursuant to Section 7048.

(b) Grants to local community conservation corps and other nonprofit organizations for local stream clearance, flood mitigation, and cleanup activities.

79062.5. Notwithstanding any other provision of law, regulations set forth in Chapter 2.4 (commencing with Section 451.1) of Division 2 of Title 23 of the California Code of Regulations that are in effect on March 8, 2000, may be used to carry out this article.

Arti cle 6. Capital Area Flood Protection Program

79065. The Legislature hereby finds and declares all of the following:

(a) Since Sacramento, the state capital, was founded over 150 years ago, it has suffered from flood disasters because of inadequate flood protection. Each year, the State Capitol and more than 1,300 other state-owned buildings and infrastructure of the capital region are at risk because of their location in the worst protected urban area in the country.

(b) The State of California’s investment of money and other resources in the state’s capital region is important to preserve and protect.

(c) It is in the best interest of this state to invest in a cost-shared program to protect life and property in the state capital from flooding, thereby resulting in opportunities for flood control, development and continued protection of the state’s natural resources.

(d) The Congress and the President of the United States have recognized the national importance of increasing the level of the state’s capital protection by authorizing projects in the Water Resources Development Act of 1999.

79065.2. (a) There is hereby created in the account the State Capital Protection Subaccount.

(b) For purposes of this article, “subaccount” means the State Capital Protection Subaccount created by subdivision (a).

79065.4. The sum of twenty million dollars ($20,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.

79065.6. The money in the subaccount, upon appropriation by the Legislature to the Sacramento Area Flood Control Agency, may be used by the Sacramento Area Flood Control Agency to pay the state’s share of the costs of flood management projects authorized by the United States to improve the level of flood protection in the state capital region.

79065.8. No money deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

Arti cle 7. San Lorenzo River Flood Control Program

79067. (a) There is hereby created in the account the San Lorenzo River Flood Control Subaccount.

(b) For purposes of this article, “subaccount” means the San Lorenzo River Flood Control Subaccount created by subdivision (a).

79067.2. The sum of two million dollars ($2,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.

79067.4. The money in the subaccount, upon appropriation by the Legislature to the department, shall be allocated by the department to the City of Santa Cruz to pay for the state’s share of the costs of flood management projects authorized by the United States to improve the level of flood protection in the Santa Cruz region.

Arti cle 8. Yuba Feather Flood Protection Program

79068. Unless the context otherwise requires, the definitions set forth in this section govern the construction of this article.

(a) “Nonstructural improvements” are projects that are intended to reduce or eliminate susceptibility to flooding by preserving or increasing the natural flood-carrying capacity of drainage basins, including, but not limited to, setback levees, training walls, flood warning systems, and telemetry devices.

(b) “Structural improvements” are projects that are intended to alter flood patterns and rely primarily on structural components, including levees, setback levees, floodproofing structure, and zoning, designating, or acquiring flood prone areas.

(c) “Subaccount” means the Yuba Feather Flood Protection Subaccount created by Section 79068.2.

79068.2. There is hereby created in the account the Yuba Feather Flood Protection Subaccount.

79068.4. The sum of ninety million dollars ($90,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79068.6. Seventy million dollars ($70,000,000) in the subaccount, upon appropriation by the Legislature to the department or Reclamation Board, shall be used by the department or Reclamation Board to fund one or more of the following flood protection projects to be implemented by a local public entity that has legal authority and jurisdiction to implement a flood control program along the Yuba and Feather Rivers and Tributaries:

(a) The construction or improvements of weirs, bypasses, and channels.

(b) The construction of levees or improving publically maintained levee districts, including, but not limited to, setback levees, training walls, floodwalls, and streambank protection projects, which provide flood protection or flood damage reduction.

(c) The modification or reoperation of existing dams and waterworks, including spillways or other capital outlay facilities, for the purpose of increased efficiency in managing flood waters.

(d) The installation of tailwater suppression systems, detention basins, relief wells, test wells, flood warning systems, and telemetry devices.
(e) The relocation or floodproofing of structures within floodplains, which meet or exceed a community's floodplain regulations, pursuant to the National Flood Insurance Program.

(f) Implementation of watershed projects, which provide flood protection or flood reduction.

(g) The construction of, or improvement to, a state or interstate highway, county road, or a levee road, that is designated a flood emergency evacuation route, or that provides access to a levee for emergency vehicles, flood flights, or levee repair and maintenance, or a project that protects such a road or highway.

(h) The purchase of lands, easements, and rights-of-way.

(i) Capital costs of environmental mitigation.

79068.8. No expenditures of state funds may be made under this article until the department or the Reclamation Board determines that all of the following requirements have been met:

(a) There is a final environmental document prepared pursuant to the California Environmental Quality Act (commencing with Section 21000 of the Public Resources Code).

(b) The project is in compliance with the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as demonstrated by documentation such as comments received from the Department of Fish and Game, a permit obtained from the Department of Fish and Game or other appropriate evidence.

(c) The local project proponent agrees to pay at least that portion of the nonfederal capital costs of the project required by Section 12585.5.

(d) The local project proponent agrees to operate and maintain the completed project.

(e) The local project proponent enters into an agreement indemnifying and holding the state, its agencies, officers and employees free and harmless from any and all liability arising out of the design, construction, operation and maintenance of the project.

(f) The project is recommended for implementation by the department or the Reclamation Board.

79068.10. All of the following factors shall be considered by the department and the Reclamation Board for prioritizing projects:

(a) Potential loss from flooding.

(b) Increased flood protection or flood damage reduction for areas that have the greatest flood risk or have experienced repetitive flood loss.

(c) The local community is a small community with financial hardship.

(d) Projects that provide multiple benefits.

(e) Projects that are implemented in accordance with the Sacramento-San Joaquin River Basins Comprehensive Study.

(f) Projects that are implemented pursuant to the completion of feasibility studies conducted by the United States Army Corps of Engineers or local agencies.

(g) Projects along the Yuba and Feather Rivers and their tributaries.

(h) Projects that address regional flood problems.

(i) Projects along the Colusa Drain and its tributaries.

(j) Minimizing impacts to the environment.

79068.12. Of the fund appropriated pursuant to Section 79068.6, two million and thousand dollars ($2,600,000) in the subaccount shall be used for the local share of levee repairs and enhancements in Sutter County.

79068.14. (a) Twenty million dollars ($20,000,000) in the subaccount are hereby transferred to the subaccount for the purposes of the Watershed Protection Subaccount created by subdivision (a). The money in the subaccount, upon appropriation by the department, shall be used for the local share of levee repairs and enhancements in Sutter County.

79068.16. If all of the funds appropriated pursuant to Sections 79068.6 and 79068.14 are encumbered, and any funds described in Section 79068.14 are not needed for the purposes of that section, as stated in writing by that department to the Legislature, the Legislature may appropriate the funds not needed for the purposes of Section 79068.14 for the purposes of Article 4 (commencing with Section 79055).

79068.18. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this chapter.

79068.20. The department and board may adopt regulations to carry out this article.

Article 9. Arroyo Pasajero Watershed Program

79069. The Legislature hereby finds and declares all of the following:

(a) The Arroyo Pasajero Watershed incurred unprecedented flooding in 1995 that resulted in a loss of lives due to a bridge failure on Interstate Highway Route 5 (I-5), the California Aqueduct, and critical local roads and highways, as well as private property.

(b) It is of statewide importance to undertake projects to eliminate future flooding in the watershed in order to protect life and property and to protect the drinking water supply of Southern California.

(c) The Arroyo Pasajero Watershed Subaccount created pursuant to Section 79069.4.

(d) “Watershed” means the Arroyo Pasajero Watershed.

(e) “Subaccount” means the Arroyo Pasajero Watershed Subaccount. The sum of five million dollars ($5,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.

(f) There is hereby created in the account the Arroyo Pasajero Watershed Subaccount. The sum of five million dollars ($5,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.

(g) The money in the subaccount, upon appropriation by the department for projects that improve flood protection for State Highway Route 269 in the area north of the City of Huron or improve flood control for the California Aqueduct in the area of the Arroyo Pasajero Crossing.

(h) The purposes of carrying out projects pursuant to this article, the department is encouraged to utilize the services of the California Conservation Corps or community conservation corps or both.

(i) The department may adopt regulations to carry out this article.

CHAPTER 6. WATERSHED PROTECTION PROGRAM

Article 1. Watershed Protection Account

79070. For the purposes of this chapter, “account” means the Watershed Protection Account created by Section 79071.

(b) For the purposes of this article, “subaccount” means the Watershed Protection Subaccount created by subdivision (a).

79076. The sum of ninety million dollars ($90,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79077. The purposes of this article are to provide funds to assist in implementing watershed plans to reduce flooding, control erosion, improve water quality, and improve aquatic and terrestrial species habitats, to restore natural systems of groundwater recharge, native vegetation, water flows, and riparian zones, to restore the beneficial uses of waters of the state in watersheds, and to provide matching funds for federal grant programs.

79078. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) “Local agency” means any city, county, city and county, district, or other political subdivision of the state.

(b) “Local watershed group” means a group consisting of owners and managers of land within the watershed of interest, local, state, and federal government representatives, and interested persons, other than landowners, who reside or work within the watershed of interest, and may include other persons, organizations, nonprofit corporations, and businesses.

(c) “Local watershed management plan” means a document prepared by a local watershed group that sets forth a strategy to achieve an ecologically stable watershed, and that does all of the following:

(1) Defines the geographical boundaries of the watershed.

(2) Describes the natural resource conditions within the watershed.

(3) Describes measurable characteristics for water quality improvements.

(4) Describes methods for achieving and sustaining water quality improvements.

(5) Identifies any person, organization, or public agency that is responsible for implementing the methods described in paragraph (4).

(6) Provides milestones for implementing the methods described in paragraph (4).

(7) Includes a monitoring program designed to measure the effectiveness of the methods described in paragraph (4).

(d) “Municipality” has the same meaning as defined in the Clean Water Act and also includes the state or any agency, department, or political subdivision thereof, and applicants eligible for technical assistance under Section 319 (33 U.S.C. Sec. 1329) or grants under Section 320 of the Clean Water Act (33 U.S.C. Sec. 1330).

(e) “Nonprofit organization” means any California corporation organized under Section 501(c)(3) or 501(c)(5) of the Internal Revenue Code.

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(f) "Regional board" means a regional water quality control board.

79079. The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board for grants to municipalities, local agencies, or nonprofit organizations in accordance with this subdivision to develop local watershed management plans or to implement projects that are consistent with local watershed management and regional water quality control plans. The board shall ensure that activities funded by these grants will be coordinated with activities undertaken by state and federal agencies, and with other actions by watershed efforts.

79079.5. The funds used for the purposes described in Section 79079 shall be allocated as follows:

(a) For projects in the Counties of Los Angeles, Orange, Riverside, San Diego, San Bernardino, and Ventura.

(b) Forty percent to projects in counties not described in subdivision (a).

79080. (a) A municipality, local agency, or nonprofit organization may only receive a grant under this article if the board determines that both of the following apply:

(1) The municipality, local agency, or nonprofit organization has adequate legal authority to manage the grant money.

(2) The municipality, local agency, or nonprofit organization is a member of a local watershed group.

(b) Grants may be awarded for projects that implement methods for attaining or maintaining improvements or effects pursuant to Section 79082. Not more than 5 percent of the total amount in the subaccount shall be used for capital outlay projects.

(c) Eligible projects under this article may do any of the following:

(1) Reduce chronic flooding problems or control water velocity and volume using vegetation management or other nonstructural methods.

(2) Protect and enhance greenbelts and riparian and wetlands habitats.

(3) Restore or improve habitat for aquatic or terrestrial species.

(4) Monitor the water quality conditions and assess the environmental health of the watershed.

(5) Use geographic information systems to display and manage the environmental data describing the watershed.

(6) Prevent watershed soil erosion and sedimentation of surface waters.

(7) Support beneficial groundwater recharge capabilities.

(8) Otherwise reduce the discharge of pollutants to state waters from storm water or nonpoint sources.

(d) Grants may be awarded to municipalities, local agencies, or nonprofit organizations for the development of local watershed management plans in amounts not to exceed two hundred thousand dollars ($200,000) per local watershed management plan.

(e) Funding under this subdivision may be used to develop components of local watershed management plans that contribute to the development or implementation of species recovery plans.

(f) Grants may be awarded to meet requirements for nonfederal matching funds under the Clean Water Act (33 U.S.C. Secs. 1285(j) or Section 319(h) of the Clean Water Act (33 U.S.C. Sec. 1329(h)).

(g) Projects funded under this article shall be designed to withstand substantial flooding and shall include a minimum 10-year maintenance program and shall demonstrate the potential to provide watershed benefits for 20 years.

(h) A proponent of a project funded from the subaccount, except a grant recipient pursuant to subdivision (d), shall be required to submit to the board a monitoring and reporting plan that does all of the following:

(1) Describes the baseline water quality of the waterbody impacted.

(2) Describes the manner in which the proposed watershed restoration activities are implemented.

(3) Determines the effectiveness of the watershed restoration activities in preventing pollution.

(4) Determines, to the extent feasible, the changes in the pattern of flow in affected streams, including reduction of flood flows and increases in spring, summer, and fall flows that result from the implementation of the local watershed management plan.

(5) Determines, to the extent feasible, the economic benefits resulting from changes determined pursuant to paragraph (3) or (4).

(i) (1) A grant applicant shall inform the board with regard to necessary approvals, entitlements, and permits that may be necessary to implement the project. The municipality, local agency, or nonprofit organization shall certify to the board, at the appropriate time, that those approvals, entitlements, and permits have been granted.

(2) A grant applicant, in lieu of notifying local water resources agencies of its request for funding under this article and the scope of the project for which the funding is requested. If this paragraph requires notification of more than 200 landowners, notification may be made by letter to the owners of record of the 200 largest parcels and by publication for at least 20 days in a local newspaper of general circulation. Upon completion of the notification required under this paragraph, the municipality, local agency, or nonprofit organization shall inform the board that the notification has occurred.

(ii) The board may adopt regulations to carry out this article. The board, in adopting such regulations, may provide that those proponent of a project funded under this article, the board shall consider the extent to which projects do the following:

(1) Consider the entire ecosystem to be protected or restored.

(2) Include definable targets and desired future conditions.

(3) Support local community institutional capacity to restore the watershed.

(4) Include community decisionmaking by affected stakeholders in project design and fund allocation.

(iii) Help protect intact or reconnect intact ecosystems and watersheds.

(iv) Consider the economic benefits of the restoration project or program.

(v) Address the root causes of degradation, rather than the symptoms.

(vi) Maximize the use of other restoration funds.

(vii) Include an educational component, if appropriate.

(viii) Improve the quality of drinking water and support other beneficial uses of waters of the state, including coastal waters.

(ix) A grant recipient shall obtain written permission from the landowners of the parcel of land upon which the project is proposed to be carried out. The written permission shall expressly consent to the actions described in the grant application.

(x) The board shall make the report available to interested federal, state, and local agencies and other interested parties.

(xi) The board shall make the report available to interested federal, state, and local agencies and other interested parties.

(xii) The board shall prepare and submit to the Governor a biennial report regarding the implementation of this article. The biennial report shall include, at a minimum, a discussion relating to the extent to which the purposes described in Section 79077 are being furthered by the implementation of this article.

79081. A grant recipient shall obtain written permission from the landowners of the parcel of land upon which the project is proposed to be carried out. The written permission shall expressly consent to the actions described in the grant application.

79084. (a) Of the funds transferred pursuant to Section 79076, at least thirty-five million dollars ($35,000,000) shall befor grants to small communities.

(b) Of the purposes of this article, “small community” means a municipality with a population of 10,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the population of the segment is 10,000 persons or less, with a financial hardship as determined by the board.

(c) If the board determines that any of the funds made available for grants under this section will not be encumbered for that purpose on or before January 1, 2007, the board may use these funds for other purposes of this article.

79085. The board shall give added consideration to projects that utilize the services of the California Conservation Corps, community conservation corps, or other local nonprofit entities employing unskilled and uneducated youth.

79085.5. Notwithstanding any other provision of this article, the following amounts from the subaccount, upon appropriation by the Legislature, shall be allocated as follows:

(b) For the purposes of this article, “small community” means a municipality with a population of 10,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the population of the segment is 10,000 persons or less, with a financial hardship as determined by the board.

(c) If the board determines that any of the funds made available for grants under this section will not be encumbered for that purpose on or before January 1, 2007, the board may use these funds for other purposes of this article.

79086.5. Notwithstanding any other provision of this article, the following amounts from the subaccount, upon appropriation by the Legislature, shall be allocated as follows:

(a) The sum of two million dollars ($2,000,000) to the board for allocation to the Clear Lake Watershed by funding one or more of the following projects or activities: Clear Lake Basin 2000 Project, aeration, wetlands restoration, fishery enhancement, and wastewater treatment, or for grants awarded by the board to local public agencies for any of these purposes. The first priority for funding under this subdivision shall be for a grant award to fund eligible expenses of the Clear Lake Watershed by funding one or more of the following projects or activities.

(b) The sum of two million dollars ($2,000,000) to the board for allocation to the County of Sonoma to develop and implement community-based watershed management activities that will protect, restore, and enhance the environmental and economic value of the Russian River Watershed in the County of Sonoma.

(c) The sum of five million dollars ($5,000,000) to the board for the acquisition, restoration, and conservation of low-flow stream channel, open water, seasonal wetlands, riparian habitat, oak woodland regeneration, and grassland and meadow preservation.

(d) The sum of two million dollars ($2,000,000) to the board to rehabilitate and improve the Clear Lake Watershed by funding one or more of the following projects or activities: the Clear Lake Basin 2000 Project, aeration, wetlands restoration, fishery enhancement, and wastewater treatment, or for grants awarded by the board to local public agencies for any of these purposes. The first priority for funding under this subdivision shall be for a grant award to fund eligible expenses of the Clear Lake Basin 2000 Project.

(e) To the maximum extent feasible, the watershed restoration and flood control projects described in this subdivision shall do one or more of the following:

(1) Preserve agricultural land.

(2) Protect and enhance wildlife habitat.

(3) Protect and enhance recreational and environmental education resources.

(4) Protect lake water quality.
(4) Enhancement of native habitat along the river and its tributaries.
(c) The water supply programs proposed by the Santa Ana River Watershed Project Authority will develop significant new water supply and storage capabilities, thereby reducing the imported water needs of urban southern California, especially during dry years.

79104.22. (a) There is hereby created in the account the Santa Ana River Watershed Subaccount.
(b) For purposes of this article, “subaccount” means the Santa Ana River Watershed Subaccount created by subdivision (a).

79104.24. The sum of two hundred thirty-five million dollars ($235,000,000) is hereby transferred from the account to the subaccount.
79104.26. The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board for allocation to the Santa Ana Watershed Project Authority for all of the following purposes for the purposes of rehabilitating and improving the Santa Ana River Watershed:

(b) For the purpose of water banking in one or more of the following basins: Chino, Colton, Orange County, Riverside, San Bernardino, and San Jacinto.
(b) Contaminant and salt removal through reclamation and desalting in Orange County, San Jacinto, or other basins in the watershed.
(c) Removal of non-native plants, and the creation of new open space and wetlands.
(d) Programs for water conservation and efficiency and storm water capture and management.
(e) Planning and implementation of a flood control program to protect agricultural operations and adjacent property, to assist in abating the effects of waste discharges into waters of the state, consistent with the requirements of Section 13442.

79104.30. It is the intent of the Legislature to urge the federal government to allocate funds for projects to improve the Santa Ana Watershed to match the state’s financial commitment to the projects described in this article.

79104.32. It is the intent of the Legislature that the expenditure of the funds under this article be made through a broad-based watershed stakeholder process.

79104.34. Not more than 3 percent of the total amount deposited in the subaccount may be used to pay costs incurred by the board in connection with the administration of this article.

79104.100. (a) There is hereby created in the account the Lake Elsinore and San Jacinto Watershed Subaccount.
(b) For purposes of this article, “subaccount” means the Lake Elsinore and San Jacinto Watershed Subaccount created by subdivision (a).
79104.102. The sum of fifteen million dollars ($15,000,000) is hereby transferred from the account to the subaccount.

79104.104. The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board to rehabilitate and improve the Lake Elsinore Watershed and San Jacinto Watershed and the water quality of Lake Elsinore by funding one or more of the following projects: watershed monitoring, storm channel modification, aquatic and riparian management, fishery enhancement, calcium quicklime treatment, and wetlands.

79104.106. To the maximum extent feasible, the watershed management and flood control projects described in Section 79104.104 shall do one or more of the following:
(a) Preserve agricultural land.
(b) Protect wildlife habitat.
(c) Protect and enhance recreational resources.
(d) Improve lake water quality.
(e) For the purpose of this article, “subaccount” means the Coastal Watershed Salmon Habitat Subaccount created by subdivision (a).

79104.20. The Legislature hereby finds and declares all of the following:
(a) The Santa Ana Watershed is experiencing increased water demands due to significant population growth that has caused undue infrastructure dependence and strain on imported water supplies.
(b) Regional programs have been developed to address the problems facing the watershed. These programs have four main elements, as follows:
(1) Storage of more than one million acre-feet of water from wet years in groundwater storage basins.
(2) Conservation, including water use efficiency and reclamation, that results in the substantial development of new usable supplies.
(3) Desalting and treatment of brackish water to allow poor quality water to be reclaimed and used.
(4) Enhancement of native habitat along the river and its tributaries.
(c) The water supply programs proposed by the Santa Ana River Watershed Project Authority will develop significant new water supply and storage capabilities, thereby reducing the imported water needs of urban southern California, especially during dry years.

79104.22. (a) There is hereby created in the account the Santa Ana River Watershed Subaccount.
(b) For purposes of this article, “subaccount” means the Santa Ana River Watershed Subaccount created by subdivision (a).

79104.24. The sum of two hundred thirty-five million dollars ($235,000,000) is hereby transferred from the account to the subaccount.
79104.26. The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board for allocation to the Santa Ana Watershed Project Authority for all of the following projects for the purposes of rehabilitating and improving the Santa Ana River Watershed:

(b) For the purpose of water banking in one or more of the following basins: Chino, Colton, Orange County, Riverside, San Bernardino, and San Jacinto.
(b) Contaminant and salt removal through reclamation and desalting in Orange County, San Jacinto, or other basins in the watershed.
(c) Removal of non-native plants, and the creation of new open space and wetlands.
(d) Programs for water conservation and efficiency and storm water capture and management.
(e) Planning and implementation of a flood control program to protect agricultural operations and adjacent property, to assist in abating the effects of waste discharges into waters of the state, consistent with the requirements of Section 13442.

79104.30. It is the intent of the Legislature to urge the federal government to allocate funds for projects to improve the Santa Ana Watershed to match the state’s financial commitment to the projects described in this article.

79104.32. It is the intent of the Legislature that the expenditure of the funds under this article be made through a broad-based watershed stakeholder process.

79104.34. Not more than 3 percent of the total amount deposited in the subaccount may be used to pay costs incurred by the board in connection with the administration of this article.

79104.100. (a) There is hereby created in the account the Lake Elsinore and San Jacinto Watershed Subaccount.
(b) For purposes of this article, “subaccount” means the Lake Elsinore and San Jacinto Watershed Subaccount created by subdivision (a).
79104.102. The sum of fifteen million dollars ($15,000,000) is hereby transferred from the account to the subaccount.
79104.104. The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board to rehabilitate and improve the Lake Elsinore Watershed and San Jacinto Watershed and the water quality of Lake Elsinore by funding one or more of the following projects: watershed monitoring, storm channel modification, aquatic and riparian management, fishery enhancement, calcium quicklime treatment, and wetlands.
79104.106. To the maximum extent feasible, the watershed management and flood control projects described in Section 79104.104 shall do one or more of the following:
(a) Preserve agricultural land.
(b) Protect wildlife habitat.
(c) Protect and enhance recreational resources.
(d) Improve lake water quality.
(e) For the purpose of this article, “subaccount” means the Coastal Watershed Salmon Habitat Subaccount created by subdivision (a).

79104.20. The Legislature hereby finds and declares all of the following:
(a) The Santa Ana Watershed is experiencing increased water demands due to significant population growth that has caused undue infrastructure dependence and strain on imported water supplies.
(b) Regional programs have been developed to address the problems facing the watershed. These programs have four main elements, as follows:
(1) Storage of more than one million acre-feet of water from wet years in groundwater storage basins.
(2) Conservation, including water use efficiency and reclamation, that results in the substantial development of new usable supplies.
(3) Desalting and treatment of brackish water to allow poor quality water to be reclaimed and used.
Chapter 7. Clean Water and Water Recycling Program


79106. The Clean Water and Water Recycling Account is hereby created in the fund. The sum of three hundred fifty million dollars ($355,000,000) hereby transferred from the fund to the account.

Article 2. Nonpoint Source Pollution Control Program

79110. The purpose of this article is to provide grant funding for projects that protect the beneficial uses of water throughout the state through the control of nonpoint source pollution.

79111. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "Best management practices" means economically achievable measures to prevent or control the addition of pollutants to state waters, which reflect the greatest degree of pollutant prevention achievable through the application of the best available nonpoint source pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.

(b) "Capital costs" means the same meaning as "cost," as defined in Section 32025 of the Public Resources Code.

(c) "Management measures" means economic achievable measures to prevent or control the addition of pollutants to state waters, which reflect the greatest degree of pollutant prevention achievable through the application of the best available nonpoint source pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives.

(d) "Regional board" means a regional water quality control board.

(e) "Subaccount" means the Nonpoint Source Pollution Control Subaccount created by Section 79112.

79112. There is hereby created in the account the Nonpoint Source Pollution Control Subaccount.

79113. The sum of one hundred million dollars ($100,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

79114. (a) The money in the subaccount, upon appropriation by the Legislature to the board, may be used by the board to award grants not to exceed five million dollars ($5,000,000) per project, to local public agencies or nonprofit organizations formed by landowners to prepare and implement local nonpoint source plans. Grants shall only be awarded for any of the following projects:

(1) A project consistent with local watershed management plans that are developed under subdivision (d) of Section 79080 and with regional water quality control plans.

(2) A broad-based nonpoint source project, including a project identified in the board's "Initiatives in NPS Management," dated September 1995, and nonpoint source technical advisory committee reports.

(3) A project that is consistent with the "Integrated Plan for Implementation of the Watershed Management Initiative" prepared by the board and the regional boards.

(4) A project that implements management measures and practices or other nonpoint source pollution control programs that are implemented by the board, pursuant to the nonpoint source pollution control program's 15-year implementation strategy and five-year implementation plan that meets the requirements of Section 6217(g) of the federal Coastal Zone Act Reauthorization Amendments of 1990.

(b) The projects funded from the subaccount shall demonstrate a capability of sustaining water quality benefits for a period of 20 years. Categories of nonpoint source pollution addressed by projects may include, but are not limited to: sedimentation, runoff, forest management activities, urban runoff, mining activities, agricultural activities, farmyard activities, and animal feeding operations. Projects to address nonpoint source pollution may include, but are not limited to: wildland management activities, installation of vegetative systems to filter or retard pollutant loading, incentive programs or large scale demonstration programs to reduce commercial reliance on pollutant substances or to increase acceptance of alternative methods and materials, and engineered features to minimize impacts of nonpoint source pollution. Projects shall have defined water quality or beneficial use goals.

(c) Projects funded from the subaccount shall utilize best management practices, management measures, or both.

(d) If projects include capital costs, those costs shall be identified by the project applicant. The grant recipient shall provide a matching contribution for the portion of the project consisting of capital expenditures for construction, according to the following formula:

- For projects with Capital Cost/Capital Cost Match by Recipient of $1,000,000 to $5,000,000, inclusive: $1,000,000 to $5,000,000, inclusive: 20% of project Capital Cost/Capital Cost Match
- For projects with Capital Cost/Capital Cost Match by Recipient of $5,000,000 to $10,000,000, inclusive: 15% of project Capital Cost/Capital Cost Match
- For projects with Capital Cost/Capital Cost Match by Recipient of $10,000,000 to $25,000,000, inclusive: 10% of project Capital Cost/Capital Cost Match
- For projects with Capital Cost/Capital Cost Match by Recipient of $25,000,000 to $50,000,000, inclusive: 5% of project Capital Cost/Capital Cost Match
- For projects with Capital Cost/Capital Cost Match by Recipient of $50,000,000 to $100,000,000, inclusive: 3% of project Capital Cost/Capital Cost Match
- For projects with Capital Cost/Capital Cost Match by Recipient of $100,000,000 to $200,000,000, inclusive: 2% of project Capital Cost/Capital Cost Match
- For projects with Capital Cost/Capital Cost Match by Recipient of $200,000,000 to $500,000,000, inclusive: 1% of project Capital Cost/Capital Cost Match
- For projects with Capital Cost/Capital Cost Match by Recipient of $500,000,000 to $1,000,000,000, inclusive: 0.5% of project Capital Cost/Capital Cost Match
- For projects with Capital Cost/Capital Cost Match by Recipient of $1,000,000,000 to $2,000,000,000, inclusive: 0.25% of project Capital Cost/Capital Cost Match
- For projects with Capital Cost/Capital Cost Match by Recipient of $2,000,000,000 and over: 0.1% of project Capital Cost/Capital Cost Match

(e) Not more than 25 percent of a grant may be awarded in advance of actual expenditure.

(f) The proponent of a project funded from the subaccount shall be required to submit to the board a monitoring and reporting plan that does all of the following:

(1) Identifies one or more nonpoint sources of pollution.

(2) Describes the baseline water quality of the waterbody impacted.

(3) Describes the manner in which the proposed practices or measures are implemented.

(4) Determines the effectiveness of the proposed practices or measures in preventing or reducing pollution.

(g) Notwithstanding any other provision of this article, the sum of one hundred million dollars ($100,000,000) hereby transferred from the to the board to be used by the board, after consultation with the Department of Water and Water Recycling, shall be used by the board, after consultation with the Department of Fish and Game, for direct expenditure and for grants to local public agencies or nonprofit organizations formed by landowners to prepare and implement local nonpoint source plans. The board shall make the report available to watershed groups, and federal, state, and local agencies.

79114.2. Notwithstanding any other provision of this article, the sum of thirty million dollars ($30,000,000) hereby transferred from the fund to the account shall be used by the board, after consultation with the Department of Water and Water Recycling, for direct expenditure and for grants to local public agencies or nonprofit organizations formed by landowners to prepare and implement local nonpoint source plans. The board shall make the report available to watershed groups, and federal, state, and local agencies.

79114.3. No project shall receive funds under this article if it receives funds pursuant to Article 5 (commencing with Section 79148).

79114.5. (a) Sixty percent of the grants awarded under this article shall be allocated to projects in the Counties of Riverside, Ventura, Los Angeles, San Diego, Orange, or San Bernardino.

(b) Forty percent of the money in the subaccount shall be allocated to projects in counties not described in subdivision (a).

(c) This section does not apply to Section 79114.2 or Section 79117.

79115. The board may adopt regulations to implement this article.

79116. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

79117. (a) Notwithstanding any other provision of this article, the funds transferred pursuant to Section 79113, the sum of ten million dollars ($10,000,000), upon appropriation by the Legislature to the board, may be used by the board, after consultation with the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment, for grants as follows:

(1) Two million dollars ($2,000,000) for research and source identification.

(2) Eight million dollars ($8,000,000) for mitigation measures to protect water quality from potential adverse effects of pesticides, which shall include amount of the money in the subaccount to the board to be used by the board, after consultation with the Department of Pesticide Regulation and the Office of Environmental Health Hazard Assessment.

(b) The board shall adopt regulations to carry out this section.

Article 3. Clean Water Program

79120. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) "Eligible project" means a project or activity described in paragraph (1), (2), (3), or (4) of subdivision (a) of Section 13480 that is all of the following:

...
(1) Necessary to prevent water pollution, reclaim water, or improve water quality.
(2) Eligible for funds from the State Revolving Fund Loan Subaccount or federal assistance.
(3) Certified by the board as entitled to priority over other eligible projects.
(4) Complies with applicable water quality standards, policies, and plans.

"Federal assistance" means money provided to a municipality, either directly or through allocation by the state, from the federal government to construct eligible projects pursuant to the Clean Water Act.

"Municipality" has the same meaning as defined in the Clean Water Act and also includes the state or any agency, department, or political subdivision thereof, and applicants eligible for technical assistance under Section 319 (33 U.S.C. Sec. 1329) or grants under Section 320 of the Clean Water Act (33 U.S.C. Sec. 1330).

"Community" means a municipality with a population of 10,000 persons or less, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 10,000 persons or less, with a financial hardship as determined by the board.

"Treatment works" has the same meaning as defined in the Clean Water Act.

Section 79122. Any contract entered into pursuant to this article for a loan or grant may include provisions determined by the board, and shall include all of the following provisions:
(a) An estimate of the reasonable cost of the project.
(b) A description of the type of assistance being offered.
(c) An agreement by the board to pay all or part of the cost of a municipality or small community, during the progress of the project or following completion, as agreed upon by the parties, the amount specified in the contract determined pursuant to applicable federal and state laws.

Section 79130. All contracts entered into pursuant to this article for loans or grants are subject to both of the following requirements:
(a) Municipalities seeking assistance shall demonstrate, to the satisfaction of the board, that an adequate opportunity for public participation in the project in counties not described in paragraph (1) of Section 79122 has been provided.
(b) Any election held with respect to the project shall include the voters of the entire municipality unless the municipality proposes to accept the assistance on behalf of a specified portion or portions of the municipality, in which case the election shall be held in that portion or portions of the municipality only.

Section 79131. Any loan made pursuant to Section 79127 shall meet the requirements of paragraph (1) of subsection (b) of Section 13340.

Subsection (b) of Section 79126. Not more than 2 percent of the total amount deposited in each subaccount shall be used for the purposes described in Section 79127.

Section 79132. All principal and interest payments received pursuant to loan contracts entered into pursuant to this article shall be deposited into the State Revolving Fund Loan Subaccount for the purposes of entering into additional loans under this article, and shall not be transferred to the General Fund.

Section 79133. (a) Notwithstanding any other provision of this article, the continuously appropriated funds described in paragraph (1) of subsection (a) of Section 79122, the sum of seven million dollars ($7,000,000) shall be used by the Department of Toxic Substances Control for allocation to local agencies for groundwater remediation projects.
(b) "Subaccount" means the Water Recycling Subaccount created by Section 79136.
(c) "Water recycling project" means a water recycling project that meets applicable reclamation criteria and water reclamation requirements and that complies with applicable water quality standards, policies, and plans.

Section 79134. There is hereby created in the account the Water Recycling Subaccount.

Section 79135. The board may enter into an agreement with the federal government for federal contributions to the subaccount if all of the following conditions have been met:
(a) The board has identified any required matching funds.
(b) The board is prepared to commit to the expenditure of any minimum amount in the subaccount in the manner required by the Clean Water Act.
(c) Any agreement between the board and the federal government is consistent with the purposes of this article.

Section 79136. (a) Notwithstanding Section 13340 of the Government Code, fifty million dollars ($50,000,000) is hereby continuously appropriated, without regard to fiscal years, to the board, as follows:
(1) The amount transferred to the Subaccount created pursuant to this article may be used by the board for the purposes of providing loans pursuant to the Clean Water Act, to aid in the construction or implementation of eligible projects, and for the purposes described in Section 79124.
(2) Thirty-four million dollars ($34,000,000) to the Small Communities Grant Subaccount for grants to the board for small communities for construction of eligible treatment works, and for the purposes described in Section 79124.

Section 79137. (a) The sum of forty million dollars ($40,000,000) is hereby transferred from the account to the subaccount for the purposes of this article.
(b) Any election held with respect to the project shall include the voters of the entire municipality unless the municipality proposes to accept the assistance on behalf of a specified portion or portions of the municipality, in which case the election shall be held in that portion or portions of the municipality only.

Section 79138. Unallocated funds remaining in the Water Recycling Subaccount in the Clean Water and Water Recycling Account in the Safe, Clean, Reliable Water Fund on March 8, 2000, and any funds deposited into that subaccount after that date, shall be transferred to the General Fund.

Section 79139. The board may enter into an agreement with the federal government for federal contributions to the subaccount if all of the following conditions have been met:
(a) The board has identified any required matching funds.
(b) The board is prepared to commit to the expenditure of any minimum amount in the subaccount in the manner required by the Clean Water Act.
(c) Any agreement between the board and the federal government is consistent with the purposes of this article.
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79141. The board may enter into agreements with municipalities for loans and grants for projects to recycle water in accordance with this article. Criteria to be used in determining whether to enter into an agreement under this article include, but are not limited to, whether the project is a cost-effective means to meet the state or local water supply needs, when compared to other sources of water supply that are available to the municipality, whether the project is necessary to protect water quality, the readiness of the municipality to proceed with the design and construction of water recycling projects, the degree to which the recycled water improves water supply reliability, water quality, ecosystem restoration and other environmental benefits, and the degree to which the recycled water would reduce water supply demands on the bay-delta system, the Colorado River, or other water systems critical to regional or statewide water supply, the ability to encourage development of new water recycling projects, and the amount of funding that the municipality is requesting under this article. The cost-effectiveness of a project when compared to other sources of state or local water supply shall not be the sole factor in determining whether to enter into an agreement.

79142. An agreement entered into pursuant to Section 79141 may include those provisions determined by the board to be necessary for the purpose of this article.

79142.2. (a) A contract for a loan made pursuant to this article may not provide for a moratorium, or the deferral of, the payment of the principal of, or interest on, the loan.

79142.3. (a) Any loan made pursuant to Section 79141 shall bear a period not to exceed 25 years.

79142.4. (a) The board may establish the interest rate for a loan made pursuant to this article at a rate equal to 50 percent of the interest rate paid by the state on the most recent sale of state general obligation bonds, to be computed according to the true interest cost method.

79142.5. (a) In addition to the grants authorized pursuant to subdivision (a), the board may make grants to municipalities for facilities and capital improvements that would reduce water supply demands on the bay-delta system, the Colorado River, or other water systems critical to regional or statewide water supply, the ability to encourage development of new water recycling projects, and the amount of funding that the municipality is requesting under this article. The cost-effectiveness of a project when compared to other sources of state or local water supply shall not be the sole factor in determining whether to enter into an agreement.

79142.6. All principal and interest payments received pursuant to loan contracts executed pursuant to this article shall be deposited in the subaccount for the purposes of this article, and shall not be transferred to the General Fund.

79142.8. All interest earned by assets in the subaccount shall be deposited in the Subaccount.

79143. The board may make grants to municipalities for facility planning studies for water recycling projects. The amount of the grants may not exceed seventy-five thousand dollars ($75,000) per study.

79144. (a) In addition to the grants authorized pursuant to subdivision (a), the board may make grants to municipalities, local public agencies, educational institutions, or nonprofit organizations for the purpose of this article. The grants may be awarded for any of the following projects:

1. A project designed to improve water quality at public beaches and to make improvements for the purpose of ensuring that coastal waters adjacent to public beaches meet the bacterial standards set forth in Section 115880 of Chapter 5 of Part 10 of Division 6 of Title 23 of the California Public Resources Code.

2. A project designed to implement storm water and runoff pollution reduction and prevention programs for the protection and restoration of coastal water quality.

3. A project to make improvements to existing sewer collection systems and septic systems for the restoration and protection of coastal water quality.

79144.1. The board may make loans to municipalities for the purposes of this article. The board shall require that the applicant be a public agency, and that the loan be used to support projects that are consistent with coastal water quality, safety, and maintenance, and that the loan is for a project that is consistent with the state's nonpoint source control program, as revised to meet the requirements of Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990, Section 2002 of the Coastal Clean Water Act, as provided in subdivision (b), and to award grants not to exceed five million dollars ($5,000,000) per project, to municipalities, local public agencies, educational institutions, or nonprofit organizations for the purposes set forth in paragraph (3) of subdivision (a). The grants may be awarded for any of the following projects:

1. A project designed to improve water quality at public beaches and to make improvements for the purpose of ensuring that coastal waters adjacent to public beaches meet the bacterial standards set forth in Section 115880 of Chapter 5 of Part 10 of Division 6 of Title 23 of the California Public Resources Code.

2. A project designed to implement storm water and runoff pollution reduction and prevention programs for the protection and restoration of coastal water quality.

3. A project to make improvements to existing sewer collection systems and septic systems for the restoration and protection of coastal water quality.

4. A project designed to implement storm water and runoff pollution reduction and prevention programs for the protection and restoration of coastal water quality.

5. A project that is consistent with the state's nonpoint source control program, as revised to meet the requirements of Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990, Section 2002 of the Coastal Clean Water Act, as provided in subdivision (b), and to award grants not to exceed five million dollars ($5,000,000) per project, to municipalities, local public agencies, educational institutions, or nonprofit organizations for the purposes set forth in paragraph (3) of subdivision (a).

79145. (a) Not more than 3 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

79145.1. Notwithstanding any provision of this article, the money in the subaccount may not be used to provide financial assistance to any water recycling project used to augment water supplies by discharge into a surface water reservoir that supplies water directly to a treatment facility for a water supply system that serves domestic uses.

79146. (a) A recipient in accordance with the project monitoring and reporting plan, completed activities and indicates whether the purposes of the project have been met. The report shall include information collected by the recipient in accordance with the project monitoring and reporting plan.
including a determination of the effectiveness of the project in preventing or reducing pollution. The board shall make the report available to the public, watershed groups, and federal, state, and local agencies.

(f) If projects include capital costs for construction, those costs shall be identified in the project. The grant recipient shall provide a matching contribution for the portion of the project consisting of capital costs for construction, according to the following formula:

<table>
<thead>
<tr>
<th>Capital Cost Project Cost</th>
<th>Capital Cost Match by Recipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,000,000 to $5,000,000, inclusive</td>
<td>20%</td>
</tr>
<tr>
<td>$125,000 to $999,999, inclusive</td>
<td>15%</td>
</tr>
<tr>
<td>$1 to $124,999, inclusive</td>
<td>10%</td>
</tr>
</tbody>
</table>

For the purposes of this subdivision, “capital costs” has the same meaning as “cost” as defined in Section 32025 of the Public Resources Code.

(g) Not more than 25 percent of a grant may be awarded in advance of actual expenditure.

(h) An applicant for funds from the subaccount shall inform the board of any necessary public agency approvals, entitlements, and permits that may be necessary to implement the project. The application shall certify to the board, at the appropriate time, that those approvals, entitlements, and permits have been granted.

(i) Where recovery plans for coho salmon, steelhead trout, or other threatened or endangered aquatic species exist, projects funded under this article shall be consistent with those plans, and to the extent feasible, shall seek to implement actions specified in those plans.

79148.10. (a) Sixty percent of the money in the subaccount shall be allocated by the board to the San Diego County Water Authority, or other political subdivision of the state involved in water conservation, freshwater well injection, and substitution of groundwater for the purposes of implementing this article.

(b) Forty percent of the money in the subaccount shall be allocated to projects in the Counties of Riverside, Ventura, Los Angeles, San Diego, Orange, or San Bernardino.

(c) Forty percent of the money in the subaccount shall be allocated to projects in the counties not described in subdivision (a).

79148.12. The board shall provide opportunity for public review and comment in awarding funds pursuant to this article, and may, in consultation with the California Coastal Commission, adopt regulations to implement this article.

79148.14. No project shall receive funds under this article if it receives funds pursuant to Article 2 (commencing with Section 79110).

79148.15. Notwithstanding any other provision of this article, three million dollars ($3,000,000), upon appropriation by the Legislature to the board, shall be allocated by the board to the San Diego County Water Authority for environmental studies and engineering studies for the San Diego Regional Conveyance Facility.

79148.16. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay the costs incurred in connection with the administration of this article.

Article 6. Seawater Intrusion Control

79149. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) (1) “Eligible seawater intrusion control project” means a project that meets all of the following requirements:

(A) The project is necessary to protect groundwater and meets both of the following requirements:

(i) The project is within a basin that is subject to a local groundwater management plan, which plan is developed pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(ii) The project is threatened by seawater intrusion in an area where restrictions on groundwater pumping, a physical solution, or both, are necessary to prevent the destruction of, or irreparable injury to, groundwater quality.

(B) In the case of a project that would provide a substitute water supply, the project is cost-effective when compared to the development of other sources of water and includes requirements or measures adequate to ensure that the substitute supply will be used in lieu of primary uses of water, and that the costs of using the substitute supply are reasonable, and that appropriate measures are taken to protect the water supply.

(C) The project complies with applicable water quality standards, policies, and plans.

(D) Eligible projects may include, but are not limited to, water conservation, freshwater well injection, and substitution of groundwater from local surface supplies.

(E) “Local agency” means any city, county, district, joint powers authority, or other political subdivision of the state involved in water management.

(F) “Subaccount” means the Seawater Intrusion Control Subaccount created by Section 79149.2.

79149.2. (a) There is hereby created in the account the Seawater Intrusion Control Subaccount. The sum of twenty-five million dollars ($25,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.

(b) Notwithstanding Section 13340 of the Government Code, the money in the subaccount is hereby continuously appropriated, without regard to fiscal years, to the board for loans to local agencies to carry out eligible seawater intrusion control projects and for the purposes described in this chapter.

79149.3. Unallocated funds remaining in the Seawater Intrusion Control Subaccount in the Clean Water and Water Recycling Account in the Department of Water Resources shall be transferred to, and any money repaid to the state pursuant to any loan contract executed under Article 6 (commencing with Section 78648) of Chapter 5 of Division 24 shall be deposited in, the subaccount for the purposes of this article.

79149.4. The board may enter into contracts to make loans to local agencies for the purposes set forth in this article.

(b) An loan for a loan made pursuant to Section 79149.4 may include those provisions determined by the board to be necessary for the purposes of this article and shall include both of the following provisions:

(1) An estimate of the reasonable cost of the eligible seawater intrusion control project.

(e) An agreement by the local agency to proceed expeditiously with, and complete, the eligible seawater intrusion control project, commence operation of the project in accordance with applicable provisions of law, and provide for the repayment of the local agency’s share of the cost of the project, including the principal of, and interest on, the loan.

79149.8. (a) A contract for a loan may not provide for a moratorium on the payment of the principal or interest on the loan.

(b) Any loan made pursuant to Section 79149.4 shall be for a period not to exceed 20 years.

(c) The board may enter into a contract for a loan amount that equals up to 100 percent of the total cost of design and construction of an eligible seawater intrusion control project.

79149.10. (a) The board shall establish the interest rate for a loan made pursuant to this article at a rate equal to 50 percent of the interest rate established by the board on the most recent sale of state general obligation bonds, to be computed according to the true interest cost method.

(b) If the interest rate so determined is not a multiple of one-tenth of 1 percent, the interest rate shall be set at the next higher multiple of one-tenth of 1 percent.

(c) The interest rate set for each contract shall be applied throughout the repayment period of the contract. There shall be a level annual repayment of principal and interest on the loan.

79149.12. All principal and interest payments received pursuant to a loan contract entered into pursuant to this article shall be deposited in the subaccount.

79149.14. The board may, by contract or otherwise, undertake plans, surveys, research, development, and studies necessary, convenient, or desirable to carry out the purposes of this article.

79149.16. Not more than 3 percent of the total amount deposited in the subaccount may be used to pay both of the following:

(a) To pay the costs incurred in connection with the administration of this article.

(b) For the purposes of Section 79149.14.

Chapter 8. Water Conservation Program

Article 1. Findings and Declarations

79150. The Legislature finds and declares that:

(a) Voluntary, cost-effective capital and other water conservation programs can help meet the growing demand for clean and abundant water supplies throughout the state.

(b) The participation of the state in the construction of local water conservation projects is desirable to further the effective management of the water resources of the state.

Article 2. General Provisions

79151. Unless the context otherwise requires, the following definitions govern the construction of this chapter:

(a) “Account” means the Water Conservation Account created by Section 79152.

(b) (1) “Water conservation program or project” means those feasible capital and other water conservation programs and projects that can help meet the growing demand for clean and abundant water supplies throughout the state.

(2) The programs include, but are not limited to, all of the following:

(A) The lining or piping of ditches.

(B) In-stream and riparian distribution system controls such as automated canal control, construction of small reservoirs within distribution systems that conserve water that has already been captured, and related physical improvements.

(C) The lining or piping of ditches.

(D) Major improvements to, or replacement of, deteriorated distribution systems to reduce leakage and maximize conservation.


(F) “Economically disadvantaged area” means any area of the state for which both of the following statements apply:

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(1) A median household income that is less than forty thousand dollars ($40,000) based on the most recent federal census.

(2) An annual average unemployment rate that is greater than 9 percent based on the most recent federal census.

(3) A median household income that is less than forty thousand dollars ($40,000) based on the most recent federal census.

(4) A provision that there shall be no moratorium on, or deferment of, any loan contract executed under Article 3 (commencing with Section 79157).

(5) A grant for a feasibility study shall not affect the maximum amount of any loan that may be made under this article.

(6) The department shall give preference under this section to projects that are located in overdrafted groundwater basins, projects of critical need, projects whose feasibility studies demonstrate the greatest engineering and hydrogeologic feasibility as determined by the department, and projects located in areas that have groundwater management plans.

(7) The department shall give preference under this section to projects that are located in overdrafted groundwater basins, projects of critical need, projects whose feasibility studies demonstrate the greatest engineering and hydrogeologic feasibility as determined by the department, and projects located in areas that have groundwater management plans.

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reduction of system water losses by rehabilitating water delivery systems.
(2) Grants awarded pursuant to subdivision (a) shall be available for public water systems owned and operated by local agencies in economically disadvantaged areas with a population of no more than 200 but are not greater than 16,000 in number. The department shall give highest priority in awarding grants to those agencies with the highest retail water rates and service charges as of January 1, 1999.
(c) No single construction grant under this article shall exceed five million dollars ($5,000,000).

79162.2. (a) The department may make grants to local agencies, under any terms and conditions as may be determined necessary by the department to local agencies for the purposes of financing urban water conservation projects.
(b) A project under this article shall not receive more than five million dollars ($5,000,000) for the purposes of financing feasibility studies of projects potentially eligible for a loan under Section 79162.
(c) No single construction study shall be eligible to receive more than one hundred thousand dollars ($100,000), and not more than 5 percent of the total amount deposited in the account may be expended for the purposes of financing feasibility studies.
(d) A grant for a feasibility study shall not affect the maximum amount of any loan that may be made under this article.
(e) A grant for a feasibility study shall not affect the maximum amount of any loan that may be made under this article.

Article 6. Urban Water Conservation Program
79163. (a) The sum of thirty million dollars ($30,000,000) in the account, upon appropriation by the Legislature to the department, shall be used by the department for grants and loans awarded by the department to local agencies for the purposes of financing urban water conservation projects.
(b) A project under this article shall not receive more than five million dollars ($5,000,000) for the purposes of financing feasibility studies of projects potentially eligible for a loan under Section 79162.
(c) No single feasibility study shall be eligible to receive more than one hundred thousand dollars ($100,000), and not more than 5 percent of the total amount deposited in the account may be expended for the purposes of financing feasibility studies.
(d) A grant for a feasibility study shall not affect the maximum amount of any loan that may be made under this article.

Chapter 9. Water Supply, Reliability, and Infrastructure Program
Article 1. Water Supply, Reliability, and Infrastructure Account
79165. For the purposes of this chapter, “account” means the Water Supply, Reliability, and Infrastructure Account created by Section 79166.
79166. The Water Supply, Reliability, and Infrastructure Account is hereby created in the fund. The sum of six hundred thirty million dollars ($630,000,000) is hereby transferred from the fund to the account.

Article 2. Groundwater Storage Program
79170. The Legislature finds and declares that the conjunctive management of surface water and groundwater is an effective way to improve the reliability of water supply for all sectors in California.
79171. Unless the context otherwise requires, the following definitions govern the construction of this article:
(a) “Conjunctive use” means the temporary storage of water in a groundwater aquifer through intentional recharge and subsequent extraction for later use. Storage is accomplished by either of the following methods:
(1) “Direct recharge” of an aquifer by conducting surface water into the aquifer by substituting surface water supplies to a user who would otherwise pump groundwater.
(b) “Conjunctive use facilities” include land and appurtenant facilities for any phase of a conjunctive use operation. Appurtenant facilities may include subsurface storage, treatment, conveyance, recharge ponds, injection wells, spreading grounds, monitoring, measurements, subsidence detection, flow regulation, detention basins to facilitate recharge, diversion facilities, and extraction facilities.
(c) “Conjunctive use project” means a project that is intended to produce water supply benefits for the local agency or a project that is intended to produce water supply benefits for water users, including the enhancement of fish and wildlife habitat.
(d) “Local agency” means any city, county, city and county, district, joint powers authority, mutual water company, or other political subdivision of the state.
(e) “Project participants” means any public agency participating in, and benefiting from, a conjunctive use project under this article.
(f) “Subaccount” means the Conjunctive Use Subaccount created by Section 79172.
79172. There is hereby created in the account the Conjunctive Use Subaccount.
79173. The sum of two hundred million dollars ($200,000,000) is hereby transferred from the account to the subaccount for the purposes of implementing this article.
79174. The money in the subaccount, upon appropriation by the Legislature to the department, may be used by the department for grants for feasibility studies, project design, or the construction of conjunctive use projects on a pilot or demonstration scale.
79175. Not more than 5 percent of the total amount deposited in the subaccount may be expended for purposes of financing feasibility studies.
79176. For the purpose of approving projects pursuant to this article, the department shall give priority to those projects for which there is available third-party funds from any source other than the Central Valley Project Restoration Fund authorized by the Central Valley Project Improvement Act. The department shall also take into consideration all of the following with regard to each proposed project:
(a) The magnitude of the actual increase in water supply yield and reliability compared to preexisting conditions.
(b) The consistency with the plans or recommendations proposed by CALFED.
(c) The distribution of the benefits to water supply and to the environment.
(d) The availability of the storage for conserved water.
(e) The technical and environmental suitability of the groundwater basin for conjunctive use.
(f) The potential to reduce critically overdrafted conditions in a groundwater basin.
(g) The need for the project.
(h) The potential to alleviate salt water intrusion into groundwater basins or other groundwater quality degradation.
(i) The economic, engineering, and hydrogeologic justification for the project.
(j) The availability of third-party or local matching funds from any source other than the Central Valley Project Restoration Fund authorized by the Central Valley Project Improvement Act.
(k) The involvement of one or more local agencies whose jurisdiction or water service area overlies or is adjacent to the aquifer utilized to store water.
(l) The potential to reduce dry year demand for surface water under existing contracts.
(m) The existence of a system for the recovery of the stored water or an agreement with the department or a local agency for the installation of that system.
(n) Whether the project is located in an area that is subject to a groundwater management program.
79177. To be eligible for funding for the construction of a conjunctive use project under this article, an applicant that is other than a local agency shall be required to carry out that project with the participation of a local agency. The department or the local agency may provide technical assistance, coordination, or any other assistance in implementing a project or study if requested by the participating local agency.
79178. No construction project may receive more than fifty million dollars ($50,000,000) from the subaccount.
79179. Not more than 5 percent of the total amount deposited in the subaccount may be expended for studies, projects, and facilities within watersheds of the central valley.
79181. (a) A project undertaken pursuant to this article shall fully protect and preserve the groundwater rights of the overlying landowners and shall fully protect and preserve the water rights of the project participants. The department shall not provide funding for a project unless it determines that the project will be designed and operated in a manner that ensures that other users of the same or a hydrologically related aquifer will not suffer any unreasonable diminution of the quantity or quality of their groundwater supplies or incur additional uncompensated expense as a result of the implementation of the project.
(b) For the purposes of receiving funding for a conjunctive use project pursuant to this article, the applicant shall be required to do both of the following:
(1) Provide for a continuing groundwater monitoring and mitigation program.
(2) Limit the extraction of the groundwater to not more than the amount of water that is stored or recharged by the project participants or the amount that complies with all laws and contract terms governing the extraction, appropriation, and use of groundwater by the project participants.

Text of Proposed Laws—Continued
(c) Persons and agencies participating in the project may not assert a claim or file a cause of action against an overlying landowner who is not exceeding either of the following:

1. The overlying landowner’s historic rate of groundwater pumping.

2. The full amount of groundwater to which the overlying landowner would be entitled under state law regarding rights to groundwater and reasonable beneficial use on the landowner’s land that overlies the groundwater.

(d) The overlying landowners may not assert a claim or file a cause of action against the persons or agencies participating in the project if the project is implemented in compliance with this section, except as provided by contract between the project participants.

(e) Nothing in this article modifies state law with regard to groundwater rights, regulation, or management.

79182. In carrying out this article and awarding grants, the department shall convene and consult with an advisory committee comprised of technically qualified representatives of local water agencies, project participants, environmental interests, agricultural laborers interests, and interests representing farmers who use groundwater. The advisory committee shall be geographically balanced to reflect the communities that use water in the central valley. If a member of the advisory committee, or a member of his or her immediate family, is a grant applicant, the grant applicant or the grant applicant of the grant applicant, the committee members shall make that disclosure to the other members of the committee and shall not participate in the review of the grant application of that applicant.

79183. The department may adopt regulations to carry out this article.

Article 3. Bay-Delta Multipurpose Water Management Program

79190. Unless the context otherwise requires, the following definitions govern the construction of this article:

(a) “CALFED Bay-Delta Program” or “program” means the undertaking by CALFED pursuant to the Framework Agreement dated June 20, 1994, to develop a long-term solution to water management, environmental, and other problems in the bay-delta watershed by means of a programmatic environmental impact statement/environmetal impact report.

(b) “CALFED EIS/EIR” means the final programmatic environmental impact statement/environmental impact report prepared by CALFED.

(c) “CALFED stage 1 action” means an action identified in the preferred alternative of the CALFED EIS/EIR as an action intended for implementation during stage 1 of Phase III of the CALFED Bay-Delta Program.

(d) (1) “Eligible project” means a demonstration project, subject to the CALFED adaptive management principle that requires an assessment of the performance and adaptation of projects in order to determine which projects are successful in achieving the goals of the program.

(2) “Eligible project” means a project that meets both of the following requirements:

(A) The project is identified in the CALFED EIS/EIR as a CALFED stage 1 action.

(B) The project does one or more of the following:

(i) Constructs treatment facilities or relocates discharge facilities for agricultural drainage from the delta to improve water quality in the delta or the quality of water that is transported from the delta.

(ii) Constructs facilities to control waste discharges that contribute to low dissolved oxygen and other water quality problems in the lower San Joaquin River and the south delta.

(iii) Constructs fish facilities for the State Water Project or the Central Valley Project intakes in the south delta, such as facilities for fish screens, fish handling, and fish passage, or modifications to intake structures or other facilities, to reduce losses of any life stages of fish to water diversions in the San Joaquin River and the delta in accordance with paragraph (1) of subdivision (f) of Section 79190.

(iv) Constructs a permanent barrier at the head of Old River to improve fish migration and other permanent barriers in the south delta channel to improve water quality and water flow for local diversion.

(v) Constructs facilities to control drainage from abandoned mines that adversely affect water quality in the bay-delta.

(vi) Constructs a permanent barrier at Granitie Canal to improve water quality and water flow for local diversion.

(e) “Subaccount” means the Bay-Delta Multipurpose Water Management Subaccount created by Section 79194.

79191. This article does not affect the authority of any agency pursuant to any provision of law to expend funds for the purposes described in this article.

79192. The Legislature hereby finds and declares all of the following:

(a) CALFED is in the process of preparing a programmatic EIS/EIR for a long-term comprehensive plan that will resolve problems related to ecosystem restoration, including the recovery of endangered species such as chinook salmon, water quality, water supply, water management, and system integrity for the protection of beneficial uses of the bay-delta ecosystem.

(b) The CALFED Bay-Delta Program is of statewide and national importance. The state should participate in the funding of eligible projects as a part of its ongoing program to improve conditions in the bay-delta ecosystem.

(c) The programmatic EIS/EIR will include a schedule for funding and implementing all elements of the long-term comprehensive plan.

(d) The elements of the CALFED Bay-Delta Program will achieve balanced solutions in all identified problem areas, including the ecosystem, water quality, water supply, and system integrity.

79193. (a) This article does not authorize the implementation of the CALFED Bay-Delta Program or any element of that program.

(b) Nothing in this article affects the obligation to comply with provisions of existing law in connection with the implementation of this article.

79194. There is hereby created in the account the Bay-Delta Multipurpose Water Management Subaccount.

79195. The sum of two hundred fifty million dollars ($250,000,000) is hereby transferred from the account to the subaccount.

79196. (a) The money in the subaccount, upon appropriation by the Legislature to the department, may be used by the department to carry out eligible projects and for the purposes of Section 79202.

(b) Money in the subaccount shall be allocated to carry out eligible projects, as described in clauses (ii), (iv), (vi) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190, and is not expended for those purposes, may be reallocated by the department to carry out other eligible projects, as described in clauses (i), (iii), and (v) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(c) No funds in the subaccount shall be used by the department unless and until the department has consulted, on an annual basis, with the state and federal agencies that participate in CALFED, as well as representatives of the public convened as a duly authorized advisory committee, with regard to the specific projects proposed for funding under this article. Decisions regarding specific expenditures of funds pursuant to this article shall be made by the advisory committee to the maximum extent possible, by the recommendations of the state and federal CALFED agencies with the advice of the advisory committee.

79196.5. The funds appropriated pursuant to Section 79196 shall be allocated as follows:

(a) Seventeen million dollars ($17,000,000) for the purposes of the project described in clause (i) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(b) Forty million dollars ($40,000,000) for the purposes of the project described in clause (ii) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(c) One hundred twenty million dollars ($120,000,000) for the purposes of the project described in clause (iii) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(d) Forty million dollars ($40,000,000) for the purposes of the project described in clause (iv) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(e) Seventeen million dollars ($17,000,000) for the purposes of the project described in clause (v) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

(f) Sixteen million dollars ($16,000,000) for the purposes of the project described in clause (vi) of subparagraph (B) of paragraph (2) of subdivision (d) of Section 79190.

79197. No funds in the subaccount may be expended until all of the following conditions have been met:

(a) The CALFED EIS/EIR has been certified by the state lead agency and a notice of determination has been issued as required by Division 13 (commencing with Section 21000) of the Public Resources Code.

(b) The CALFED EIS/EIR has been filed by the federal lead agencies with the United States Environmental Protection Agency, the required notice has been published in the Federal Register, and there has been federal approval of a program identical to the program approved by the state.

79198. The state, to the greatest extent possible, shall secure federal and nonfederal funds to implement this article and the federal environmental impact statements certifications on the federal permits and otherwise expediting all elements of the CALFED Bay-Delta Program in a timely and balanced manner, the following procedures shall apply to the use of funds authorized by this article:

(a) After the requirements set forth in Section 79197 are met, funds in the subaccount shall become available for use in accordance with the schedule for eligible projects set forth in the final programmatic EIS/EIR, unless the Secretary of the Resources Agency determines that the schedule established in the final programmatic EIS/EIR has not been substantially adhered to.
Text of Proposed Laws—Continued

(b) On or before November 15 of each year, the Secretary of the Resources Agency, in consultation with state and federal CALFED representatives and other interested persons and agencies, shall review adherence to the schedule.

(c) The absence of funding from nonfederal or nonstate sources shall not be a basis for a determination that the schedule has not been adhered to.

(d) If, at the conclusion of each annual review, the Secretary of the Resources Agency determines that the schedule established in the final programmatic EIS/EIR, or a revised schedule prepared pursuant to this subdivision, has not been substantially adhered to, the secretary, after notice to, and consultation with, state and federal CALFED representatives and other interested persons and agencies, shall prepare a revised schedule that ensures that balanced solutions in all identified problem areas, including ecosystem restoration, water supply, water quality, and system integrity are achieved, consistent with the intent of the intradistrict water storage and recovery projects or acquires rights to use storage in existing reservoirs.

(2) The project or program implements measures that facilitate improvement of water quality, water transfers, or exchanges, including, but not limited to, a project that improves water quality by shifting reliance from lower quality to higher quality water supplies.

(3) The project or program implements state of the art agricultural water conservation programs, and programs that treat or manage agricultural drainage water for reuse or instream water quality benefits.

(c) The department shall list the projects that are proposed to be funded from the subaccount.

79205.10. For purposes of prioritizing eligible programs or projects for funding under this article, the department shall give priority to programs or projects that meet one or more of the following requirements:

(a) Can be completed expeditiously and thereby provide near term benefits and more immediate mitigation of urgent problems related to water quality, and not just to water quantity.

(b) Implements actions to improve water quality and protect water level conditions in San Luis Reservoir.

(c) Includes public-private partnerships or cost sharing arrangements that maximize public benefits.

(d) Sponsored by a public agency with water supplies that are being or would be impacted to a greater degree by delta-related water supply shortages and water quality degradation.

79205.12. The state, to the greatest extent possible, shall seek matching federal funds to provide 50 percent of the costs of projects and programs funded from the subaccount.

79205.14. Funds available from the subaccount shall be available for all phases of project development including, but not limited to, project administration, permitting and environmental compliance, feasibility studies, and construction.

79205.16. Not more than 5 percent of the total amount deposited in the subaccount may be used to pay costs incurred in connection with the administration of this article.

CHAPTER 10. FISCAL PROVISIONS

79210. Bonds in the total amount of one billion nine hundred seventy million dollars ($1,970,000,000), not including the amount of any refunding bonds issued in accordance with Sections 79219, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this division and to be used for the purpose of carrying out any of the objectives of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond 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 and interest on, the bonds as the principal and interest become due and payable.

79211. (a) The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law. The committee of the Legislature constituted under Section 15625.5 of the Government Code shall consist of the Treasurer, the Controller, and the Director of Finance, or other designated representatives. A majority of the committee may act for the committee. The committee is the ‘Clean Water, Watershed Protection, and Flood Protection Finance Committee’ and shall, if necessary, or desirable to issue bonds authorized pursuant to this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

79214. There shall be collected each year and in the same manner authorized in this subdivision, any revenue from any 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 amounts so levied and to do and perform every act that is necessary to collect that additional sum.

79215. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this division, an amount that will equal the total of the following:...
(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.  

(b) The sum necessary to carry out Section 79216, appropriated without regard to fiscal years.

79216. For the purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

79217. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

79218. The agency that administers an appropriation of the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Bond Fund may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purpose of carrying out this division. The agency requesting the loan shall deposit the amount of the unsold bonds that the agency, by resolution, has authorized to be sold for the purpose of carrying out this division. The proceeds from the sale of the bonds shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

79219. The bonds may be refunded in accordance with Article 6 (commencing with Section 78678) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the State for the issuance of the bonds described in this division includes the approval of the issuance of those bonds issued to construct, operate, and maintain eligible recycling projects, for loans to aid in the design and construction of eligible recycling projects, for grants in accordance with Section 78626, and for the purposes described in Section 79151 and subdivision (a) of Section 78630.

79220. Notwithstanding any provision of this division or the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this division that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and for the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or to take any other action with respect to the investment and use of those bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of that state.

79221. The Legislature hereby finds and declares that, inasmuch as the proceeds of the sale of bonds authorized by this division are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

79222. Section 78675 of the Water Code is amended to read:

79223. (a) The sum of thirty million dollars ($30,000,000) of the money in the fund shall be deposited in the Water Reclamation Account, plus an amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

79224. All money deposited in the fund shall be deposited in the fund to be allocated by the requesting agency in accordance with this division.

79225. The bonds may be refunded in accordance with Article 6 (commencing with Section 78678) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this division includes the approval of the issuance of those bonds issued to construct, operate, and maintain eligible recycling projects, for loans to aid in the design and construction of eligible recycling projects, for grants in accordance with Section 78626, and for the purposes described in Section 79151 and subdivision (a) of Section 78630.

79226. Notwithstanding Section 79214 of the Water Code, the money in the subaccount is hereby continuously appropriated, without regard to fiscal years, to the board for loans to public agencies to construct, operate, and maintain eligible recycling projects, for loans to aid in the design and construction of eligible recycling projects, for grants in accordance with Section 78626, and for the purposes described in Section 79151 and subdivision (a) of Section 78630.

SEC. 5. Section 78626 of the Water Code is repealed.

78648. (a) All principal and interest payments received pursuant to loan contracts entered into pursuant to this article shall be deposited in the subaccount for additional loans under subdivision (b) of Section 79214, and shall not be transferred to the General Fund.

78649. (b) The board may transfer any unallocated funds in the subaccount to the Water Recycling Account in the Safe, Clean, Reliable Water Supply Fund for the purposes set forth in Section 79151 or to the Water Recycling Subaccount in the Safe, Clean, Reliable Water Supply Fund for the purposes set forth in Section 79151.

78650. Any repayments of loans made pursuant to this article shall be deposited in the subaccount for additional loans under subdivision (b) of Section 79214.

78651. All money repaid to the state pursuant to any loan contract executed under this article shall be deposited in the Water Recycling Subaccount in the Safe, Clean, Reliable Water Supply Fund.

78652. Any amount withdrawn shall be deposited in the fund. The fund shall be continuously appropriated, without regard to fiscal years.

78653. 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 implementing this article.

78654. (a) There is hereby created in the account the Water Recycling Subaccount. The sum of sixty million dollars ($60,000,000) is hereby transferred from the account to the subaccount for the purpose of implementing this article.

(b) Any money made available under this section shall be returned to the General Fund.
Proposition 14: Text of Proposed Law

This law proposed by Senate Bill 3 of the 1999–2000 Regular Session (Chapter 726, Statutes of 1999) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Education Code; therefore, not all text in the bill is to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 12 (commencing with Section 19985) is added to Part 11 of the Education Code, to read:

Chapter 12. California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000


19985. This chapter shall be known and may be cited as the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

19985.5. The Legislature finds and declares the following:

(a) Reading and literacy skills are fundamental to success in our economy and our society.

(b) The Legislature and Governor have made enormous strides in improving the quality of reading instruction in public schools.

(c) Public libraries are an important resource to further California’s reading and literacy goals both in conjunction with the public schools and for the adult population.

(d) The construction and renovation of public library facilities is necessary to support literacy programs in California’s public education system and to expand access to public library services for all residents of California.

19986. As used in this chapter, the following terms have the following meanings:

(1) “Committee” means the California Library Construction and Renovation Finance Committee established pursuant to Section 19972.

(2) “Fund” means the California Public Library Construction and Renovation Trust Fund.

(3) “Board” means the California Public Library Construction and Renovation Board. This board is comprised of the State Librarian, the Treasurer, the Director of Finance, an Assembly Member appointed by the Speaker of the Assembly, a Senator appointed by the Senate Rules Committee, and a member appointed by the Governor.

Legislative members of the board shall meet with, and participate in, the work of the board to the extent that their participation is not incompatible with their duties as Members of the Legislature.

For the purposes of this chapter, Members of the Legislature who are members of the board constitute a joint legislative committee on the subject matter of this chapter.

Article 2. Program Provisions

19987. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the California Public Library Construction and Renovation Fund, which is hereby established.

19988. All moneys deposited in the fund, except as provided in Section 20013, are continuously appropriated to the State Librarian, notwithstanding the provisions of the Government Code and shall be available for grants to any city, county, city and county, or district that is authorized at the time of the project application to own and maintain a public library facility for the purposes set forth in Section 19992.

19990. This chapter shall be administered by the State Librarian. The board shall adopt rules, regulations, and policies for the implementation of this chapter.

19993. This chapter shall be administered by the State Librarian. The board shall adopt rules, regulations, and policies for the implementation of this chapter.

19994. (a) The State Librarian shall consider applications for construction of new public library facilities submitted pursuant to Section 19993 in the following priority order:

(1) First priority shall be given to joint use projects in which the agency that operates the library and one or more school districts have a cooperative agreement.

(2) Second priority shall be given to all other public library projects.

(b) The State Librarian shall consider applications for remodeling or rehabilitation of existing public library facilities pursuant to Section 19993 in the following priority order:

(1) First priority shall be given to public library projects in the attendance areas of public schools that are determined, pursuant to regulations adopted by the board, to have inadequate infrastructure to support access to computers and other educational technology.

(2) Second priority shall be given to all other projects.

(c) (1) Each grant recipient shall provide matching funds from any available source in an amount equal to 35 percent of the costs of the project. The remaining 65 percent of the costs of the project, up to a maximum of twenty million dollars ($20,000,000) per project, shall be provided through allocations from the fund.

(2) Qualifying matching funds shall be cash expenditures in the categories specified in Section 19992 which are made not earlier than three years prior to the submission of the application to the State Librarian. Except as otherwise provided in subdivision (c), in-kind expenditures do not qualify as matching funds.

(d) Land donated or otherwise acquired for use as a site for a new or existing library facility, including, but not limited to, land purchased more than three years prior to the submission of the application to the State Librarian, may be credited towards the 35 percent matching funds requirement at a maximum of thirty percent of the cost of the acquisition.

19995. The grant funds authorized pursuant to Section 19998 shall not apply to land acquired with funds authorized pursuant to Part 68 (commencing with Section 100400).

19996. (a) The estimated costs of a project for which an application is submitted shall be consistent with normal public construction costs in the applicant’s area.

(b) The State Librarian shall be authorized to award the principal sum of money necessary to construct a project having costs that exceed normal public construction costs in the area, if the applicant can demonstrate that the project is necessary for the improvement of the physical environment.

(c) The costs of land purchased with funds authorized pursuant to Section 19998 shall not apply to land acquired with funds authorized pursuant to Part 68 (commencing with Section 100400).

(d) Architect fees for plans and drawings for library renovation and new construction, including, but not limited to, plans and drawings purchased more than three years prior to the submission of the application, may be included as part of the project costs.

19997. Once an application has been approved by the board and included in the State Librarian’s request to the committee, the amount of funding to be provided to the applicant may not be increased. Any actual changes in project costs are the full responsibility of the applicant. If the amount of funding that is provided is greater than the cost of the project, the applicant shall return that portion of the funding.

19998. (a) In reviewing applications, as part of establishing the priorities set forth in Section 19994 the board shall consider all of the following factors:

19999. Any other factors the board deems to be pertinent.
Text of Proposed Laws—Continued

(1) Needs of urban and rural areas.
(2) Population growth.
(3) Age and condition of the existing library facility.
(4) The degree to which the existing library facility is inadequate in
meeting the needs of the residents in the library service area and the
degree to which the proposed project responds to the needs of those
residents.
(5) The degree to which the library's plan of service integrates
appropriate electronic technologies into the proposed project.
(6) The degree to which the proposed site is appropriate for the
proposed project and its intended use.
(7) The financial capacity of the local agency submitting the
application to open and maintain operation of the proposed library
for applications for the construction of new public libraries.
(b) If, after an application has been submitted, material changes
occur that would alter the evaluation of an application, the State
Librarian may accept an additional written statement from the
applicant for consideration by the board.

1999.
(a) A facility, or the part thereof, acquired, constructed, or
remodeled, or rehabilitated with grants received pursuant to this
chapter shall be dedicated to public library direct service for a period
of not less than 20 years following completion of the project.
(b) The interest of the state in land or a facility, or both, pursuant
to the funding of a project under this chapter, as described in subdivision
(a), may be transferred by the State Librarian from the land or facilities
or both, for which that funding was granted to a replacement site and
facility acquired or constructed for the purpose of providing public
library direct service.
(c) If the facility or any part thereof, acquired, constructed,
remodeled, or rehabilitated with grants received pursuant to this chapter
cases to be used for public library direct service prior to the expiration
of the period specified in subdivision (a), the board is entitled to recover,
from the grant recipient or the recipient's successor in the maintenance
of the facility, an amount that bears the same ratio to the value of the
facility, or the appropriate part thereof, at the time it ceased to be used
for public library direct service as the amount of the grant bore to the
cost of the facility or the appropriate part thereof.
(d) Notwithstanding subdivision (f) of Section 16724 of the
Government Code, any money recovered pursuant to subdivision (c)
shall be deposited in the fund, and shall be available for the purpose of
awarding grants for other projects.

20000. Bonds in the amount of three hundred fifty million dollars
($350,000,000), exclusive of refunding bonds, or so much thereof as is
necessary, may be issued and sold for deposit in the fund to be used in accordance
with the purposes expressed in this chapter, including all acts amendatory thereof and supplementary thereto, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. Thereafter, any bonds issued or refunded to carry out the purposes of this chapter, the value of the facility, or the appropriate part thereof, is determined by the mutual agreement of the board and the grant recipient or successor, or through an action brought for that purpose in the superior court.
20001. The bonds authorized by this chapter shall be prepared,
executed, issued, sold, paid, and redeemed as provided in the General Obligation Bond Law (Chapter 4 of part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.
20002. (a) For purposes of this chapter, the California Library
Construction and Renovation Finance Committee established pursuant
to Section 19972 is the "committee" as that term is used in the General Obligation Bond Law.
(b) For purposes of the State General Obligation Bond Law, the
California Public Library Construction and Renovation Board
established pursuant to subdivision (c) of Section 19986 is designated the "board."
20003. The committee shall determine whether or not it is necessary
or desirable to issue bonds authorized pursuant to this chapter in order
to carry out the actions specified in this chapter, including all acts
amendatory thereof and supplementary thereto, and, if so, the amount of
bonds to be issued and sold. Successive issues of bonds may be
issued and sold to carry out those actions progressively, and it is not
necessary that all of the bonds authorized to be issued be sold at any one
time.
20004. There shall be collected each year and in the same manner
and at the same time as other state revenue is collected, in addition to
the ordinary revenues of the state, a sum in an amount required to pay
the principal of and interest on the bonds each year. It is the duty of all
officers charged by law with any duty in regard to the collection of
the purpose of carrying out this chapter. The amount of the request shall not exceed that additional sum.
20005. Notwithstanding Section 13340 of the Government Code,
there is hereby appropriated from the General Fund in the State
Treasury, for the purposes of this chapter, an amount that will equal the
amount or amounts not to exceed the amount of the unsold bonds that
the committee has, by resolution, authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the Fund, with interest at the rate earned by the money in the Pooled Money Investment Account during the time the money was withdrawn from the General Fund pursuant to this section, from money
received from the sale of bonds for the purpose of carrying out this chapter.
20006. 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
pursuant to this section, from money
received from the sale of bonds for the purpose of carrying out this chapter.
20007. The board may request the Pooled Money Investment Board to
make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purposes of
making the request for the loan to be available to the city for the purposes of
pursuant to this section, from money
received from the sale of bonds for the purpose of carrying out this chapter.
20008. Any bonds issued and sold pursuant to this chapter may be
redeemed by the issuance of refunding bonds in accordance with Article
6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 2 of Title 2 of the Government Code. Approval of the electors of the state for the issuance of bonds under this chapter shall include the approval of the issuance of refunding bonds.
20009. All money deposited in the fund that is derived from premium and accrued interest on bonds sold pursuant to this chapter shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.
2010. 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.
2011. Amounts deposited in the fund pursuant to this chapter may be
appropriated in the annual Budget Act to the State Librarian for the
actual amount of office, personnel, and other customary and usual
expenses incurred in the direct administration of grant projects
pursuant to this chapter, including, but not limited to, expenses incurred
by the State Librarian in providing technical assistance to an applicant
for a grant under this chapter.

Proposition 15: Text of Proposed Law

This law proposed by Assembly Bill 1391 of the 1999-2000 Regular Session (Chapter 727, Statutes of 1999) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Penal Code; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Title 9.5 (commencing with Section 14108) is added to Part 4 of the Penal Code, to read:
14108. The proceeds of bonds issued and sold pursuant to this title shall be deposited in the Forensic Laboratories Capital Expenditure Bond Fund, which is hereby created.

14108.2. (a) General obligation bonds may be issued by the state to finance the working drawings, preliminary plans, construction, renovation, equipping of the laboratories, and parking facilities and other improvements, betterments, and facilities directly related thereto as specified in Section 14108.1.

(b) The amount of the general obligation bonds to be sold shall equal the cost of construction, renovation, and equipping of the laboratories and facilities, the cost of working drawings and preliminary plans, sums necessary to pay financing costs, including interest during construction, and any other reasonable expenses.

14108.3. The bonds authorized by this title shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

14108.4. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this title, the Hertzberg-Polanco Forensic Laboratories Construction Act Finance Committee is hereby created. For purposes of this chapter, the Hertzberg-Polanco Forensic Laboratories Construction Act Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Controller, the Director of Finance, and the Treasurer, or their designated representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

(b) For purposes of the State General Obligation Bond Law, the Forensic Laboratories Construction Act Finance Committee is "the board." 14108.5. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this title in order to carry out Section 14108.1 and, if so, the amount of bonds to be issued and sold. The committee may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

14108.6. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds maturing each year, and it is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

14108.7. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury for the purposes of this title, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this title, as the principal and interest become payable.

(b) The sum that is necessary to carry out Section 14108.8, appropriated without regard to fiscal years.

14108.8. For purposes of carrying out this title, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized to be sold for the purpose of carrying out this title. Any amount withdrawn shall be deposited in the fund. Any money made available shall be invested in the General Fund, plus 5 percent interest, plus any amount equal to the interest that the money would have earned in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this title.

14108.9. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for purposes of carrying out this title. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this title. The board shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this title.

14108.10. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for and interest.

14108.11. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this title includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this title or any previously issued refunding bonds.

14109. (a) There is hereby created within the Department of Justice the Forensic Laboratories Authority.

(b) (1) The authority shall be composed of seven members, including the Attorney General, the State Director of Crime Laboratories, and five members who shall be appointed by the Governor, with the advice and consent of the Senate.

(2) (c) The first appointments shall be made by April 1, 2000.

(d) The first meeting of the authority shall occur by May 15, 2000. The authority shall meet at least twice a year.

(e) The Governor shall select a chair and vice-chairperson from among its members. Four members of the authority shall constitute a quorum.

(f) If any appointed member is not in attendance for three consecutive meetings, the authority shall recommend to the Governor that the member be removed.

(g) The authority shall comply with the state open meetings law pursuant to Article 9 (commencing with Section 11120) of Division 3 of Title 2 of, and Chapter 9 (commencing with Section 54950) of Division 2 of, Title 5 of, the Government Code.

14109.1. Members of the authority shall receive no compensation, but shall be reimbursed for all travel, subsistence, and necessary expenditures incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the authority shall be deemed performance by a member of the duties of his or her state or local governmental employment.

14109.2. This chapter shall be repealed on January 1, 2010.
This proposed law adds sections to the Military and Veterans Code; therefore, new provisions to be added are printed in italics to indicate that they are new.

**PROPOSED LAW**

Section 2. Chapter 2 (commencing with Section 1100) is added to Division 5 of the Military and Veterans Code, to read:

**CHAPTER 2. VETERANS' HOMES BOND ACT OF 2000**


1100. This chapter shall be known, and may be cited, as the Veterans' Homes Bond Act of 2000.

1102. As used in this chapter, the following terms have the following meanings:

(a) "Board" means the Department of Veterans Affairs designated in accordance with subdivision (b) of Section 1108.

(b) "Committee" means the Veterans' Home Finance Committee created pursuant to subdivision (a) of Section 1108.

(c) "Fund" means the Veterans' Home Fund created pursuant to Section 1103.

Article 2. Veterans' Homes

1103. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Veterans' Home fund, which is hereby created in the State Treasury.

1104. (a) Upon appropriation by the Legislature, money in the fund shall be used by the Department of Veterans Affairs for the purpose of designing and constructing veterans' homes in California and completing a comprehensive renovation of the veterans' Home at Yountville. Funding from this bond shall be allocated to fund the state's matching requirement to construct or renovate those veterans' homes in Section 110. Bonds issued and to be sold for the state's homes established under this section shall be in addition to sites authorized under Section 1011.

(b) Notwithstanding any other provision of law, construction contracts awarded for veterans' homes shall have a statewide participation goal of not less than 3 percent for disabled veteran business enterprises, as defined in subdivision (g) of Section 999.


1105. The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the State Treasury to the credit of the Veterans' Home Fund created by Section 1103.

1106. Bonds in the total amount of fifty million dollars ($50,000,000), not including the amount of any refunding bonds issued in accordance with Section 1130, or as much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used and sold for carrying out the purposes of Section 1104 and to reimburse the General Obligation Bond Law of 1939 (commencing with Section 16724) of the General Obligation Bond Law in accordance with Section 11724 of the Government Code. The bonds, when sold, shall be and shall constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

1107. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law. (Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, and all of the provisions of that law applies to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

1108. (a) Solely for the purpose of authorizing the issuance and sale pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Veterans' Home Finance Committee is hereby created. For purposes of this chapter, the Veterans' Home Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Treasurer, the Director of the Department of Veterans Affairs, the Secretary of State, and 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 of Veterans Affairs is designated the "board." The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to fund the actions specified in this chapter. 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.

1109. There shall be collected each year and in the same manner and at the same time that other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the interest that would have been earned in the Pooled Money Investment Account from money received from the sale of bonds for the purpose of carrying out this chapter.

1113. The Department of Veterans Affairs may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, from money received from the sale of bonds for the purpose of carrying out this chapter.

1114. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to the fund in the State Treasury.

1115. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this chapter includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this chapter or any previously issued refunding bonds.

1116. Notwithstanding Section 13340 of the Government Code, the bonds authorized by this chapter shall be deposited in the State Treasury to the credit of the Veterans' Home Fund created by Section 1103. The proceeds of any refunding bonds shall be deposited in the Veterans' Home Fund and shall be available for transfer to the General Fund as a credit to the Veterans' Home Fund.

1117. The bonds authorized by this chapter shall be and are hereby sold to the highest and best bidder, subject to the bidding and contract requirements.

1118. The bonds authorized by this chapter shall constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.
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.

The Legislature hereby finds and declares that, inasmuch as

1117. The Legislature hereby finds and declares that, inasmuch as

the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

Proposition 17: Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 4 of the 1999–2000 Regular Session (Resolution Chapter 123, Statutes of 1999) expressly amends the California Constitution by amending a section that states that existing provisions proposed to be deleted are printed in "strikeout type" and new provisions proposed to be added are printed in "italic type" to indicate that they are new.

PROPOSED AMENDMENT TO SECTION 19 OF ARTICLE IV

SEC. 19. (a) The Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the State.
(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.
(c) Notwithstanding subdivision (a), the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.
(d) Notwithstanding subdivision (a), there is authorized the establishment of a California State Lottery.
(e) The Legislature has no power to authorize, and shall prohibit, casinos of the type currently operating in Nevada and New Jersey.

Proposition 18: Text of Proposed Law

This law proposed by Senate Bill 1878 of the 1997–98 Regular Session (Chapter 629, Statutes of 1998) is submitted to the people in accordance with the provisions of Section 10 of Article II of the California Constitution.

This proposed law amends a section of the Penal Code; existing provisions proposed to be deleted are printed in "strikeout type" and new provisions proposed to be added are printed in "italic type" to indicate that they are new.

PROPOSED LAW

SEC. 2. Section 190.2 of the Penal Code is amended to read:

190.2. (a) The penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in the state prison for life without the possibility of parole if one or more of the following special circumstances have been found under Section 190.4 to be true:

(1) The murder was intentional and carried out for financial gain.
(2) The defendant was convicted previously of murder in the first or second degree. For the purpose of this paragraph, an offense committed in another jurisdiction, which if committed in California would be punishable as first or second degree murder, shall be deemed murder in the first or second degree.
(3) The defendant, in this proceeding, has been convicted of more than one offense of murder in the first or second degree.
(4) The murder was committed by means of a destructive device, bomb, or explosive planted, hidden, or concealed in any place, area, dwelling, building, or structure and the defendant knew, or reasonably should have known, that his or her act or acts would create a great risk of death to one or more human beings.
(5) The murder was committed for the purpose of avoiding or preventing a lawful arrest, or perfection or attempting to perfect, an escape from lawful custody.
(6) The murder was committed by means of a destructive device, bomb, or explosive that the defendant mailed or delivered, attempted to mail or deliver, or caused to be mailed or delivered, and the defendant knew, or reasonably should have known, that his or her act or acts would create a great risk of death to one or more human beings.
(7) The victim was a peace officer, as defined in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, 830.4, 830.5, 830.6, 830.10, 830.11, or 830.12, who, while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of his or her duties; or the victim was a peace officer, as defined in the above-enumerated sections, or a former peace officer under any of those sections, who was intentionally killed in retaliation for the performance of his or her official duties.
(8) The victim was a federal law enforcement officer or agent who, while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew, or reasonably should have known, that the victim was a federal law enforcement officer or agent engaged in the performance of his or her duties; or the victim was a federal law enforcement officer or agent, and was intentionally killed in retaliation for the performance of his or her official duties.
(9) The victim was a firefighter, as defined in Section 245.1, who, while engaged in the course of the performance of his or her duties, was intentionally killed, and the defendant knew, or reasonably should have known, that the victim was a firefighter engaged in the performance of his or her duties.
(10) The victim was a witness; or the victim was a witness to a crime and was intentionally killed in retaliation for, or in prevention of, the victim's official duties.
(11) The victim was an elected or appointed official of the federal government, or of any local or state government of this or any other state, and the killing was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.
(12) The victim was a judge or former judge of any court of record in the local, state, or federal system in this or any other state, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.
(13) The victim was an elected or appointed official or former official of the federal government, or of any local or state government of this or any other state, and the killing was intentionally carried out in retaliation for, or to prevent the performance of, the victim's official duties.
(14) The victim was especially heinous, atrocious, or cruel, manifesting exceptional depravity. As used in this section, the phrase "especially heinous, atrocious, or cruel, manifesting exceptional depravity" means a conscienceless or pitiless crime that is unnecessarily tortuous to the victim.
(15) The defendant intentionally killed the victim while by means of lying in wait.
(16) The victim was intentionally killed because of his or her race, color, religion, nationality, or country of origin.
(17) The murder was committed while the defendant was engaged in, or was an accomplice in, the commission, attempted commission of, or the immediate flight after committing, or attempting to commit, the following felonies:
(A) Robbery in violation of Section 211 or 212.5.
(B) Kidnapping in violation of Section 207, 209, or 209.5.
(C) Rape in violation of Section 261.
(D) Sodomy in violation of Section 286.
(E) The performance of a lewd or lascivious act upon the person of a child under the age of 14 years in violation of Section 288.
(F) Oral copulation in violation of Section 288a.
(G) Burglary in the first or second degree in violation of Section 460.
(H) Arson in violation of subdivision (b) of Section 451.
(I) Attempted rape in violation of Section 261.
(J) Mayhem in violation of Section 203.
(K) Rape by instrument in violation of Section 289.
(L) Carjacking, as defined in Section 215.
(M) To prove the special circumstances of kidnapping in subparagraph (B), or arson in subparagraph (H), if there is specific

Proposed Law

Text of Proposed Laws—Continued
Text of Proposed Laws—Continued

This law proposed by Senate Bill 1690 of the 1997–98 Regular Session (Chapter 760, Statutes of 1998) is submitted to the people in accordance with the provisions of Section 10 of Article II of the California Constitution.

This proposed law amends a section of the Penal Code; existing provisions proposed to be deleted are printed in strikeout type and new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SEC. 6. Section 190 of the Penal Code, as amended by Section 1 of Chapter 413 of the Statutes of 1997, is amended to read:

190. (a) Every person guilty of murder in the first degree shall suffer confinement be punished by imprisonment in the state prison for a term of 25 years to life. The penalty to be applied shall be determined as provided in Sections 190.1, 190.2, 190.3, 190.4, and 190.5.

Proposition 19: Text of Proposed Law

This law proposed by Senate Bill 1690 of the 1997–98 Regular Session (Chapter 760, Statutes of 1998) is submitted to the people in accordance with the provisions of Section 10 of Article II of the California Constitution.

This proposed law amends a section of the Penal Code; existing provisions proposed to be deleted are printed in strikeout type and new provisions proposed to be added are printed in italic type to indicate that they are new.

The performance of the offense which is the basis of the special circumstance in order to suffer death or confinement in the state prison for life without the possibility of parole.

(c) Every person, not the actual killer, who, with the intent to kill, aids, abets, counsels, commands, induces, solicits, requests, or assists any actor in the commission of murder in the first degree shall be punished by death or imprisonment in the state prison for life without the possibility of parole if the victim was a peace officer, as defined in subdivision (a) of Section 830.1, subdivision (a), (b), or (c) of Section 830.2, subdivision (a) of Section 830.33, or Section 830.5, who was killed while engaged in the performance of his or her duties, and the defendant knew, or reasonably should have known, that the victim was such a peace officer in the performance of his or her duties.

The penalty shall be determined as provided in this section and Sections 190.1, 190.3, 190.4, and 190.5.

Proposition 20: Text of Proposed Law

This law proposed by Assembly Bill 1453 of the 1997–98 Regular Session (Chapter 800, Statutes of 1998) is submitted to the people in accordance with the provisions of Section 10 of Article II of the California Constitution.

This proposed law amends a section of the Government Code; existing provisions proposed to be deleted are printed in strikeout type and new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. This act shall be known and referred to as the "Cardenas Textbook Act of 2000."

SEC. 2. Section 8880.4 of the Government Code is amended to read:

8880.4. Revenues of the state lottery shall be allocated as follows:

(a) Not less than 84 percent of the total annual revenues from the sale of state lottery tickets or shares shall be returned to the public in the form of prizes as described in this chapter.

(1) Fifty percent of the total annual revenues shall be returned to the public in the form of prizes as described in this chapter.

(2) At least 34 percent of the total annual revenues shall be allocated to the benefit of public education, as specified in Section 8880.5. However, for the 1998–99 fiscal year and each fiscal year thereafter, 50 percent of any increase in the amount calculated pursuant to this paragraph from the amount calculated in the 1997–98 fiscal year shall be allocated to school districts and community college districts for the purchase of instructional materials, as defined by law, and through a fair and equitable distribution system across grade levels.

(3) All unclaimed prize money shall revert to the benefit of public education, as provided for in subdivision (e) of Section 8880.32.

(4) All of the interest earned upon funds held in the State Lottery Fund shall be allocated to the benefit of public education, as specified in Section 8880.5. This interest is in addition to, and shall not be considered as any part of, the 34 percent of the total annual revenues that is required to be allocated for the benefit of public education as specified in paragraph (2).

(5) No more than 16 percent of the total annual revenues shall be allocated for payment of expenses of the lottery as described in this chapter. To the extent that expenses of the lottery are less than 16 percent of the total annual revenues, any surplus funds also shall be allocated to the benefit of public education, as specified in this section or in Section 8880.5.

(b) Funds allocated for the benefit of public education pursuant to subdivision (a) are in addition to other funds appropriated or required under existing constitutional reservations for educational purposes. No
program shall have the amount appropriated to support that program reduced as a result of funds allocated pursuant to subdivision (a). Funds allocated for the benefit of public education pursuant to subdivision (a) shall not supplant funds committed for child development programs. (c) None of the following shall be considered revenues for the purposes of this section: 

(1) Revenues recorded as a result of a nonmonetary exchange. "Nonmonetary exchange" means a reciprocal transfer, in compliance with state and federal accounting standards, of assets or services between the lottery and another entity that results in the lottery acquiring assets or services and the lottery providing assets or services.

Proposition 21: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution. This initiative measure amends, repeals, and adds sections to the Penal Code and the Welfare and Institutions Code; therefore, existing provisions proposed to be deleted are printed in strikeout type and new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. SHORT TITLE. This act shall be known, and may be cited, as the Gang Violence and Juvenile Crime Prevention Act of 1998.

SEC. 2. FINDINGS AND DECLARATIONS. The people find and declare each of the following: (a) While overall crime is declining, juvenile crime has become a larger and more ominous threat. The United States Department of Justice reported in 1996 that juvenile arrests for serious crimes grew by 46 percent from 1983 to 1992, while murders committed by juveniles more than doubled. According to the California Department of Justice, the rate at which juveniles were arrested for violent offenses rose 54 percent between 1986 and 1995.

(b) Criminal street gangs and gang-related violence pose a significant threat to public safety and the health of many of our communities. Criminal street gangs have become more violent, bolder, and better organized in recent years. Some gangs, like the Los Angeles-based 18th Street Gang and the Mexican Mafia are properly analyzed as organized crime groups, rather than as mere street gangs. A 1996 series in the Los Angeles Times chronicled the serious negative impact the 18th Street Gang has had on neighborhoods where it is active.

(c) Vigorous enforcement and the adoption of more meaningful criminal sanctions, including the voter-approved "Three Strikes" law, Proposition 184, has resulted in a substantial and consistent four year decline in overall crime. But violent juvenile crime has proven most resistant to this positive trend.

(d) The problem of youth and gang violence will, without active intervention, continue to grow substantially by the next decade. According to the California Department of Finance, the number of juveniles in the crime-prone ages between 12 and 17, until recently long stagnant, is expected to rise 36 percent between 1997 and 2007 (an increase of more than one million juveniles). Although illegal drug use among high school seniors had declined significantly during the 1980s, it began rising in 1992. Juvenile arrest rates for weapons-law violations increased 103 percent between 1985 and 1994, while juvenile killings with firearms quadrupled between 1984 and 1994. Handguns were used in two-thirds of the youth homicides involving guns over a 15-year span. In 1994, 82 percent of juvenile murderers used guns. The number of juvenile homicide offenders in 1994 was approximately 2,800, nearly triple the number in 1984. In addition, juveniles tend to murder strangers at disproportionate rates. A murderer is more likely to be 17 years old than any other age, at the time that the offense was committed.

(e) In 1995, California's adult arrest rate was 2,245 per 100,000 adults, while the juvenile arrest rate among 10 to 17-year-olds was 2,430 per 100,000 juveniles. (f) Data regarding violent juvenile offenders must be available to the adult criminal justice system so recidivism by criminals is to be addressed adequately.

(g) Holding juvenile proceedings in secret denies victims of crime the opportunity to attend and be heard at such proceedings, helps juvenile offenders avoid accountability for their actions, and shields juvenile proceedings from public scrutiny and accountability.

(h) Gang-related crimes pose a unique threat to the public because of gang members' organization and solidarity. Gang-related felonies should result in severe penalties. Life without the possibility of parole or death should be available for murderers who kill as part of any gang-related activity.

(i) The rehabilitative treatment juvenile court philosophy was adopted at a time when most juvenile crime consisted of petty offenses. The juvenile justice system is not well-equipped to adequately protect the public from violent and repeat serious juvenile offenders.

(j) Juvenile court resources are spent disproportionately on violent offenders with little chance to be rehabilitated. If California is going to avoid the predicted wave of juvenile crime in the next decade, greater resources, attention, and accountability must be focused on less serious offenders, such as burglars, car thieves, and first time non-violent felons who have potential for rehabilitation. This act must form part of a comprehensive plan to reduce juvenile and street gang activity, build upon major commitments to already commenced "at-risk" youth early intervention programs and expanded informal juvenile court alternatives for low-level offenders. These efforts, which emphasize recidivism and the detective's action, must be expanded and funded under the provisions of this act, which requires first time, non-violent juvenile felons to appear in court, and give their offenses, and be held accountable, but also be given a non-custodial opportunity to demonstrate through good conduct and compliance with a court-monitored treatment and supervision program that the record of the juvenile's offense should justly be expunged.

(k) Dramatic changes are needed in the way we treat juvenile criminals, criminal street gangs, and the confidentiality of the juvenile records of violent offenders if we are to avoid the predicted, unprecedented surge in juvenile and gang violence. Californians deserve to live without fear of violent crime and to enjoy safe neighborhoods, parks, and schools. This act addresses each of these issues with the goal of creating a safer California, for ourselves and our children, in the Twenty-First Century.

SEC. 3. Section 182.5 is added to the Penal Code, to read:

182.5. Notwithstanding subdivisions (a) or (b) of Section 182, any person who actively participates in any criminal street gang, as defined in subdivision (f) of Section 186.22, with knowledge that its members engage in, have engaged in, or willfully promote, further, assist, or benefit from any felonious criminal conduct by members of that gang is guilty of conspiracy to commit that felony and may be punished as specified in subdivision (a) of Section 182.

SEC. 4. Section 186.22 of the Penal Code is amended to read:

186.22. (a) Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in, or willfully promote, further, assist, or benefit from any felonious criminal conduct by members of that gang shall, upon conviction of that felony, in addition and consecutive to the middle term of the sentence enhancement, unless there are circumstances in aggravation of the crime in imposing a term under paragraph (1) of subdivision (a) of Section 1192.7, the person shall be punished by an additional term of one, two, or three years. If the felony is a violent felony, as defined in subdivision (c) of Section 667.5, the person shall be punished by an additional term of five years.

(b) (1) Except as provided in paragraph (4) and (5), any person who is convicted of a felony committed for the benefit of, or at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, assist, or benefit from any felonious criminal conduct by members of that gang, shall, upon conviction of that felony, be punished by an additional term of one, two, or three years.

(2) If the underlying felony described in paragraph (1) is committed on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school-related programs or when minors are using the facility, the additional term shall be two, three, or four years, at the court's discretion that shall be a circumstance in aggravation of the crime in imposing a term under paragraph (1).

(c) If the underlying felony described in paragraph (1) is committed on the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school, during hours in which the facility is open for classes or school-related programs or when minors are using the facility, the additional term shall be two, three, or four years, at the court's discretion that shall be a circumstance in aggravation of the crime in imposing a term under paragraph (1).

(3) The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentencing enhancements on the record at the time of the sentencing.
(4) Any person who is convicted of a felony enumerated in this paragraph committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall, upon conviction of that felony, be sentenced to an indeterminate term of imprisonment with a minimum term of the indeterminate sentence calculated as the greater of:

(A) The term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period described in subdivision (c) of Section 3046, if the jury is any of the offenses enumerated in subparagraphs (B) or (C) of this paragraph.

(B) Imprisonment in the state prison for 15 years, if the felony is a home invasion robbery, in violation of subparagraph (A) of paragraph (1) of subdivision (a) of Section 213; carjacking, as defined in Section 215; a felony violation of Section 246; or a violation of Section 12022.55.

(C) Imprisonment in the state prison for seven years, if the felony is extortion, as defined in Section 519; or threats to victims and witnesses, as defined in Section 136.1.

(5) Except as provided in paragraph (4), any person who violates this subdivision in the commission of a felony punishable by imprisonment in the state prison for life, shall not be paroled until a minimum of 15 calendar years have been served.

(B) Any person who is convicted of a violation of subdivision (a), it shall require as a condition of completion of sentence, parole, or any other basis, until he or she has served: (i) Not less than 180 days, and shall not be eligible for release upon parole.

(C) If the court specifies on the record and enters into the minutes the unusual case where the interests of justice would best be served, if the court refuses to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(D) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days. If the court grants probation or suspends the execution of sentence imposed upon the defendant for a violation of subdivision (a), or in cases involving a true finding of the enhancement enumerated in subdivision (b), the court shall require that the defendant serve a minimum of 180 days in a county jail as a condition thereof.

(E) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section or refuse to impose the minimum jail sentence for misdemeanors in an unusual case where the interests of justice would best be served if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

(F) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(G) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(H) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(I) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(J) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(K) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(L) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(M) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(N) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(O) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.

(P) Any person who is convicted of a public offense punishable as a felony or as a misdemeanor, which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further, or assist in any criminal conduct by gang members, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison for one, two, or three years, provided that any person sentenced to imprisonment in the county jail shall be imprisoned for a period not to exceed one year, but not less than 180 days, and shall not be eligible for release upon completion of sentence, parole, or any other basis, until he or she has served 180 days.
ability to carry out the threat, and that physical harm was imminently likely to occur.

SEC. 6. Section 186.26 is added to the Penal Code, to read:

186.26. (a) Any person who solicits or recruits another to actively participate in a pattern of criminal street gang activity, as defined in subdivision (f) of Section 186.22, with the intent that the person solicited or recruited participate in a pattern of criminal street gang activity, as defined in subdivision (e) of Section 186.22, or with the intent that the person solicited or recruited promote, further, or assist in any felonious conduct by members of the criminal street gang shall be punished by imprisonment in the state prison for 16 months, or two or three years.

(b) Any person who threatens another person with physical violence on, or near, two or more separate occasions within any 30-day period with the intent to coerce, induce, or solicit any person to actively participate in a criminal street gang, as defined in subdivision (f) of Section 186.22, shall be punished by imprisonment in the state prison for three, four or five years.

(c) Any person who uses physical violence to coerce, induce, or solicit another person to actively participate in any criminal street gang, as defined in subdivision (f) of Section 186.22, or to prevent the person from leaving a criminal street gang, shall be punished by imprisonment in the state prison for three, four or five years.

(d) If the person solicited, recruited, coerced, or threatened pursuant to subdivision (a), (b), or (c) is a minor, an additional term of three years shall be imposed, and consecutive to the penalty prescribed for a violation of any of these subdivisions.

(e) Nothing in this section shall be construed to limit prosecution under any other provision of law.

SEC. 7. Section 186.30 is added to the Penal Code, to read:

186.30. (a) Any person described in subdivision (b) shall register with the chief of police of the city in which he or she resides, or the sheriff of the county if he or she resides in an unincorporated area, within 10 days of the occurrence of any of the following offenses: (1) Any of the above offenses, as defined in subdivision (f) of Section 186.22; (2) any offense, as defined in subdivision (f) of Section 186.22, of which the conviction is set forth in those sections in a gang-related crime.

(b) Any person who knowingly fails to register pursuant to Section 186.30 and is subsequently convicted of, or for any person for whom a petition is subsequently sustained for a violation of, any of the offenses specified in Section 186.30, shall be punished by an additional term of imprisonment in the state prison for 16 months, or two or three years.

(c) All registration requirements set forth in this article shall be submitted to the law enforcement agency.

(d) The statements, photographs and fingerprints required under this section shall not be available for release by any person other than a regularly employed peace or other law enforcement officer.

(e) Nothing in this section or Section 186.30 or 186.31 shall preclude a court in its discretion from imposing the registration requirements as set forth in those sections in a gang-related crime.

SEC. 8. Section 186.31 is added to the Penal Code, to read:

186.31. (a) The registration required by Section 186.30 shall consist of the following:

(A) The adult shall appear at the law enforcement agency with a parent or guardian.

(B) The law enforcement agency shall serve the juvenile and the parent with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the juvenile belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22.

(C) A written statement signed by the juvenile, giving any information that may be required by the law enforcement agency, shall be submitted to the law enforcement agency.

(D) The fingerprints and current photograph of the juvenile shall be submitted to the law enforcement agency.

(E) The existence of any fact bringing a person under this subdivision shall be submitted to the law enforcement agency.

(f) Any crime where the enhancement specified in subdivision (b) of Section 186.22 is found to be true.

(g) Any crime that the court finds is gang related at the time of sentencing or disposition.

SEC. 9. Section 186.32 is added to the Penal Code, to read:

186.32. (a) The registration required by Section 186.30 shall consist of the following:

(1) Juvenile registration shall include the following:

(A) The juvenile shall appear at the law enforcement agency with a parent or guardian.

(B) The law enforcement agency shall serve the juvenile and the parent with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the juvenile belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22.

(C) A written statement signed by the juvenile, giving any information that may be required by the law enforcement agency, shall be submitted to the law enforcement agency.

(D) The fingerprints and current photograph of the juvenile shall be submitted to the law enforcement agency.

(2) Adult registration shall include the following:

(A) The adult shall appear at the law enforcement agency.

(B) The law enforcement agency shall serve the adult with a California Street Terrorism Enforcement and Prevention Act notification which shall include, where applicable, that the adult belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of Section 186.22.

(C) A written statement, signed by the adult, giving any information that may be required by the law enforcement agency, shall be submitted to the law enforcement agency.

(D) The fingerprints and current photograph of the adult shall be submitted to the law enforcement agency.

(3) Within 10 days of changing his or her residence address, any person subject to Section 186.30 shall inform, in writing, the law enforcement agency with whose chief of police the last registered of his or her new address. If his or her new residence address is located within the jurisdiction of a law enforcement agency other than the agency where he or she last registered, he or she shall register with the new law enforcement agency, in writing, within 10 days of the change of registered address.

(4) All registration requirements set forth in this article shall terminate five years after the last imposition of a registration requirement pursuant to Section 186.30.

(5) The statements, photographs and fingerprints required under this section shall not be available for release by any person other than a regularly employed peace or other law enforcement officer.

(6) Nothing in this section or Section 186.30 or 186.31 shall preclude a court in its discretion from imposing the registration requirements as set forth in those sections in a gang-related crime.

SEC. 10. Section 186.33 is added to the Penal Code, to read:

186.33. (a) Any person required to register pursuant to Section 186.30 who knowingly violates any of its provisions is guilty of a misdemeanor.

(b) Any person who knowingly fails to register pursuant to Section 186.30 and is subsequently convicted of, or for any person for whom a petition is subsequently sustained for a violation of, any of the offenses specified in Section 186.30, shall be punished by an additional term of imprisonment in the state prison for 16 months, or two or three years.
criminal or juvenile proceeding. As used in this paragraph, “juvenile proceeding” means a proceeding brought pursuant to Section 602 or 707 of the Welfare and Institutions Code.

(11) The victim was a prosecutor or assistant prosecutor or a former prosecutor or assistant prosecutor of any local or state prosecutor’s office in the local, state, or federal system in this or any other state, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim’s official duties.

(12) The victim was a judge or former judge of any court of record in the local, state, or federal system in this or any other state, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim’s official duties.

(13) The victim was an elected or appointed official or former official of the federal government, or of any local or state government of this or any other state, and the killing was intentionally carried out in retaliation for, or to prevent the performance of, the victim’s official duties.

(14) The murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity. As used in this section, the phrase “especially heinous, atrocious, or cruel, manifesting exceptional depravity” means a conscienceless or pitiless crime that is unnecessarily torturous to the victim.

(15) The defendant intentionally killed the victim while living in wait.

(16) The victim was intentionally killed because of his or her race, color, religion, nationality, or country of origin.

(17) The murder was committed while the defendant was engaged in, or was an accomplice in, the commission of, attempted commission of, or the immediate flight after committing, or attempting to commit, the following felonies:

(A) Robbery in violation of Section 211 or 212.5.
(B) Kidnapping in violation of Section 207, 209, or 209.5.
(C) Rape in violation of Section 261.
(D) Sodomy in violation of Section 286.

(E) The performance of a lewd or lascivious act upon the person of a child under the age of 14 years in violation of Section 288.
(F) Oral copulation in violation of Section 288a.
(G) Burglary in the first or second degree in violation of Section 460.
(H) Arson in violation of subdivision (b) of Section 451.
(I) Train wrecking in violation of Section 219.
(J) Mayhem in violation of Section 203.
(K) Rape by instrument in violation of Section 289.
(L) Carjacking, as defined in Section 215.

(18) The murder was intentional and involved the infliction of torture.

(19) The defendant intentionally killed the victim by the administration of poison.

(20) The victim was a juror in any court of record in the local, state, or federal system in this or any other state, and the murder was intentionally carried out in retaliation for, or to prevent the performance of, the victim’s official duties.

(21) The murder was intentional and perpetrated by means of discharging a firearm from a vehicle, intentionally at another person or persons outside the vehicle with the intent to inflict death. For purposes of this paragraph, “motor vehicle” means any vehicle as defined in Section 415 of the Vehicle Code.

(22) The defendant participated as an active participant in a criminal street gang, as defined in subdivision (f) of Section 186.22, and the murder was carried out to further the activities of the criminal street gang.

(23) Unless an intent to kill is specifically required under subdivision (a) for a special circumstance enumerated therein, an actual killer, as to whom the special circumstance has been found to be true under Section 190.4, need not have had any intent to kill at the time of the commission of the offense which is the basis of the special circumstance in order to suffer death or confinement in the state prison for life without the possibility of parole.

(24) Every person, not the actual killer, who, with the intent to kill, aids, abets, counsels, commands, induces, solicits, requests, or assists any actor in the commission of murder in the first degree shall be punished by death or imprisonment in the state prison for life without the possibility of parole if one or more of the special circumstances enumerated in any of subdivision (a) have been found to be true under Section 190.4.

(25) Notwithstanding subdivision (c), every person, not the actual killer, who, by his own conduct, makes it more probable that any person will die, and whose conduct thereby makes it less probable than it otherwise would have been that any person will die, may be found guilty of murder in the first degree and be punished by death or imprisonment in the state prison for life without the possibility of parole if a special circumstance enumerated in subdivision (a) has been found to be true under Section 190.4.

The penalty shall be determined as provided in this section and Sections 190.1, 190.3, 190.4, and 190.5.

SEC. 12. Section 594 of the Penal Code, as amended by Section 1.5 of Chapter 853 of the Statutes of 1998, is amended to read:

594. (a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by statute, commits a violation of vandalism:

(1) Defaces with graffiti or other inscribed material.
(2) Destroys.
(3) Destroys.

Whenever a person violates this subdivision with respect to real property, vehicles, signs, fixtures, furnishings, or furnishings property belonging to any public entity, as defined by Section 811.2 of the Government Code, or the federal government, it shall be a permissive inference that the person neither owned the property nor had the permission of the owner to deface, damage, or destroy the property.

(b) (1) If the amount of defacement, damage, or destruction is fifty thousand dollars ($50,000) four hundred dollars ($400) or more, vandalism is punishable by imprisonment in the state prison or in a county jail not exceeding one year, or by a fine of not more than ten thousand dollars ($10,000), or if the amount of defacement, damage, or destruction is ten thousand dollars ($10,000) or more, by a fine of not more than fifty thousand dollars ($50,000), or by both that fine and imprisonment.

(2) If the amount of defacement, damage, or destruction is five thousand dollars ($5,000) or more but less than fifty thousand dollars ($50,000), vandalism is punishable by imprisonment in the state prison, for not more than one year, or by a fine of not more than ten thousand dollars ($10,000), or by both that fine and imprisonment.

(3) If the amount of defacement, damage, or destruction is four hundred dollars ($400) or more but less than five thousand dollars ($5,000), vandalism is punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars ($1,000), or by both that fine and imprisonment.

(4) If the amount of defacement, damage, or destruction is less than four hundred dollars ($400), vandalism is punishable by imprisonment in a county jail for not more than six months not exceeding one year, or by a fine of not more than one thousand dollars ($1,000), or by both that fine and imprisonment.

(c) (1) Upon conviction of any person under this section for acts of vandalism consisting of defacing property with graffiti or other inscribed materials, the court may, in addition to any punishment imposed under subdivision (b), provided that the court determines that the defendant has the ability to pay any law enforcement costs not exceeding two hundred fifty dollars ($250), order the defendant to clean up, repair, or replace the damaged property himself or herself, or, if the property is not his or her own, order the defendant to clean up, repair, or replace the damaged property under the direction of the defendant, and his or her parents or guardians if the defendant is a minor, to keep the damaged property or another specified property in the community free of graffiti for up to one year. Participation of a parent or guardian is not a condition precedent to the court’s determination that participation to be detrimental to the defendant, or if the parent or guardian is a single parent who must care for young children.

(2) Any city, county, or city and county may enact an ordinance that provides for all of the following:

(A) That upon conviction of any person pursuant to this section for acts of vandalism, the court may, in addition to any punishment imposed under subdivision (b), provided that the court determines that the defendant has the ability to pay any law enforcement costs not exceeding two hundred fifty dollars ($250), order the defendant to clean up, repair, or replace the damaged property himself or herself, or, if the property is not his or her own, order the defendant to clean up, repair, or replace the damaged property under the direction of the defendant.

(B) The defendant is not required under this subdivision if the court deems this participation to be detrimental to the defendant, or if the parent or guardian is a single parent who must care for young children.

(2) Any city, county, or city and county may enact an ordinance that provides for all of the following:

(A) That upon conviction of any person pursuant to this section for acts of vandalism, the court may, in addition to any punishment imposed under subdivision (b), provided that the court determines that the defendant has the ability to pay any law enforcement costs not exceeding two hundred fifty dollars ($250), order the defendant to clean up, repair, or replace the damaged property himself or herself, or, if the property is not his or her own, order the defendant to clean up, repair, or replace the damaged property under the direction of the defendant.

(B) The defendant is not required under this subdivision if the court deems this participation to be detrimental to the defendant, or if the parent or guardian is a single parent who must care for young children.

(2) Any city, county, or city and county may enact an ordinance that provides for all of the following:

(A) That upon conviction of any person pursuant to this section for acts of vandalism, the court may, in addition to any punishment imposed under subdivision (b), provided that the court determines that the defendant has the ability to pay any law enforcement costs not exceeding two hundred fifty dollars ($250), order the defendant to clean up, repair, or replace the damaged property himself or herself, or, if the property is not his or her own, order the defendant to clean up, repair, or replace the damaged property under the direction of the defendant.

(B) The defendant is not required under this subdivision if the court deems this participation to be detrimental to the defendant, or if the parent or guardian is a single parent who must care for young children.
The court may order any person ordered to perform community service or graffiti removal pursuant to paragraph (1) of subdivision (c) to undergo counseling.

If the amount of defacement, damage, or destruction is five thousand dollars ($5,000) or more, vandalism is punishable by imprisonment in a county jail not exceeding one year, or by a fine of not more than ten thousand dollars ($10,000), or by both that fine and imprisonment.

The court may order any person who knowingly causes any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of vandalism:

(a) Defaces with graffiti or other inscribed material.

(b) Damages.

(c) Destroys.

(d) Normal investigative procedures have been tried and have failed.

(e) If a person whose communications are to be intercepted.

(f) If a person, other than an accomplice, which has been charged and convicted of a violent felony, and which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(g) Any felony for which a prison sentence is imposed, in addition and consecutive to any other prison term served prior to a period of five years in which the defendant served a prior separate prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(h) Except where subdivision (a) applies, where the new felony is any felony for which a prison sentence is imposed, in addition and consecutive to any other prison term served prior to a period of five years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(i) Involving the bombing of public or private property, or aggravated kidnapping, as specified in Section 209, or through that interception, including, but not limited to, communications that may be utilized for locating or rescuing a kidnap victim.

(j) Any felony in which the defendant inflicts great bodily injury on another person.

(k) Any felony in which the defendant commits a violent felony, and which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(l) Any felony punishable by death or imprisonment in the state prison, or by a fine of not more than $50,000, or by both that fine and imprisonment.

(m) Violation of Section 186.22.

(n) The court may order any person ordered to perform community service or graffiti removal pursuant to paragraph (1) of subdivision (c) to undergo counseling.

(o) Any violent felony means any felony for which a prison sentence is imposed, in addition and consecutive to any other prison term served prior to a period of five years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(p) Any felony punishable by death or imprisonment in the state prison for life.

(q) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461.
or any felony in which the defendant uses a firearm which use has been charged and proved as provided in Section 12022.5, 12022.55, or 1202.55.

(9) Any robbery perpetrated in an inhabited dwelling house, vessel, or other building, as defined in Section 12102 of the Penal Code, that was accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(10) Attempted murder.

(11) The offense defined in subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

(12) Robbery pursuant to subdivision (b) of Section 213.

(13) Kidnapping, as defined in subdivision (b) of Section 207.

(14) Attempted murder.

(15) Theft of property from a person or property of another person.

(16)1. Any violation of Section 12308.

(17) Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, as defined in subdivision (a) of Section 264.1.

(18) Extortion, as defined in subdivision (a) of Section 285.7, which would constitute a felony violation of Section 186.22 of the Penal Code.

(19) Any violation of Section 264.1.

(20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22 of the Penal Code.

(21) Any violation of Section 1240.

(22) Any violation of Section 12022.53.

The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.

(d) For the purposes of this section, the defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody or the official release on parole, whichever is first, unless, including any time during which the defendant remains subject to reimprisonment for escape from custody or is reimprisoned on revocation of parole.

(e) The additional penalties provided for prior prison terms shall not be imposed for any felony for which the defendant did not serve a prior separate prison term for the purposes of this section.

(f) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense which, if committed in California, is punishable by imprisonment in the state prison if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under California law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(g) A prior separate prison term for the purposes of this section shall mean a term of one year or more imposed as a result of a conviction for a serious felony or any other felony that will by the particular offense alone or in combination with concurrent or consecutive sentences for other crimes, including any reimprisonment on revocation of parole which is not accompanied by a new commitment to prison, and including any reimprisonment after an escape from incarceration.

(h) Serving a prison term includes any confinement time in any state prison or federal penal institution as punishment for commission of an offense, including confinement in a hospital or other institution or facility credited as service of prison time in the jurisdiction of the confinement.

(i) For the purposes of this section, a commitment to the State Department of Correctional Services by a person who has been sentenced to prison for a violent or sex-related sex offender following a conviction of a felony, which commitment exceeds one year in duration, shall be deemed a prior prison term.

(j) For the purposes of this section, when a person subject to the custody, control, and discipline of the Director of Corrections is incarcerated at a facility operated by the Department of the Youth Authority, that incarceration shall be deemed to be a term served in state prison.

(k) Notwithstanding subdivisions (d) and (g) or any other provision of law, where one of the new offenses is committed while the defendant is on parole or otherwise released from prison pursuant to Section 264.5, while the defendant is transferred to a community facility pursuant to Section 3416, 6253, or 6263, or while the defendant is on furlough pursuant to Section 6254, the defendant shall be subject to the full enhancements provided for in this section.

This subdivision shall not apply when a full, separate, and consecutive term is imposed pursuant to any other provision of law.

SEC. 16. Section 1170.125 is added to the Penal Code, to read:

""... Provided the capital punishment is imposed unless they are charged and admitted or found true in the committing the capital offense; that the determination of evidence obtained, or a reduction or dismissal would not result in a substantial change in sentence.

(b) As used in this section "plea bargaining" means any bargaining, negotiation, or discussion between a criminal defendant, or his or her counsel, and a prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant.

(c) As used in this section, "serious felony" means any of the following:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy with force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) kidnapping, as defined in subdivision (b) of Section 207; (7) any violation of Section 264.1; (8) any violation of Section 12022.53; (9) any robbery perpetrated in an inhabited dwelling house, vessel, or other building; (10) any conviction of an inhabited portion of any other building, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon.

2. Any violation of subdivision (b) of Section 213.

3. A violation of Section 186.22.

4. Extortion, as defined in subdivision (a) of Section 285.7, which would constitute a felony violation of Section 186.22 of the Penal Code.

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6. Extortion, as defined in subdivision (a) of Section 285.7, which would constitute a felony violation of Section 186.22 of the Penal Code.

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28. Extortion, as defined in subdivision (a) of Section 285.7, which would constitute a felony violation of Section 186.22 of the Penal Code.

29. Extortion, as defined in subdivision (a) of Section 285.7, which would constitute a felony violation of Section 186.22 of the Penal Code.

30. Extortion, as defined in subdivision (a) of Section 285.7, which would constitute a felony violation of Section 186.22 of the Penal Code.

31. Extortion, as defined in subdivision (a) of Section 285.7, which would constitute a felony violation of Section 186.22 of the Penal Code.
136.1; (38) terrorist threats, in violation Section 422; (39) any attempt to
commit a crime listed in this subdivision other than an assault; (40) any
violation of Section 12022.53; and (41) any conspiracy to commit an
offense described in paragraph (24) as it applies to Section 11370.4 of
the Health and Safety Code. The defendant conspirator was
substantially involved in the planning, direction, or financing of the
underlying offense this subdivision.
(d) As used in this section, “bank robbery” means to take or attempt
to take, by force or violence, or by intimidation from the person or
presence of, any property or money or any other thing of value
belonging to, or in the care, custody, control, management, or
possession of, any bank, credit union, or any savings and loan
association.

As used in this subdivision, the following terms have the following
meanings:
(1) “Bank” means any member of the Federal Reserve System, and
any bank, banking association, trust company, savings bank, or other
banking institution organized or operating under the laws of the United
States, and any bank the deposits of which are insured by the Federal
Deposit Insurance Corporation.
(2) “Savings and loan association” means any federal savings and
loan association and any “insured institution” as defined in Section 401
of the National Housing Act, as amended, and any federal credit union
defined in Section 2 of the Federal Credit Union Act.
(3) “Credit union” means any state-chartered credit union the
accounts of which are insured by the Administrator of the National
Credit Union administration.
(4) “State” includes any state of the United States or the District
of Columbia and any Indian tribe chartering or organized or
operating under the laws of any state or the District of Columbia,
and any state-defined crime other than an ordinance establishing a
curfew or of the United States or any ordinance of any city or county of
this State defining crime.

SEC. 20. Section 625.3 of the Welfare and Institutions Code is
amended to read:

629. (a) As a condition for the release of such minor, the probation
officer may require such minor or his parent, guardian, or relative, or
both, to sign a written promise that either or both of them will appear
before the probation officer at the juvenile hall or other suitable place
designated by the officer on or before a date certain.
(b) A minor who is 14 years of age or older who is taken into custody
by a peace officer for the commission or attempted commission of a
felony offense shall not be released until the minor, his or her parent,
guardian, or relative or both, have signed the written promise described
in subdivision (a), and it has been given an order to appear in the juvenile
court at a date certain.

SEC. 22. Section 654.3 of the Welfare and Institutions Code is
amended to read:

654. No minor shall be eligible for the program of supervision set
forth in Section 654 or 654.2 in the following cases, except in an
unusual case where the interests of justice would best be served and the
child or ward is also an eligible minor:
(a) A petition alleges that the minor has an offense listed in
subdivision (b) or (c) of paragraph (2) of subdivision (d) of Section 707.
(b) A petition alleges that the minor has sold or possessed for sale a
controlled substance as defined in Chapter 2 of the Health and Safety Code
(commencing with Section 11350) or 11379 of the Welfare and Institutions
Code.
(c) A petition alleges that the minor has violated Section 11350 or
11377 of the Health and Safety Code where the violation takes place at
a school, or a violation of Section 245.5, 626.9, or 626.10 of the Penal Code.
(d) A petition alleges that the minor has violated Section 186.22 of
the Health and Safety Code.
(e) The minor has previously participated in a program of
supervision pursuant to Section 654.
(f) The minor has previously been adjudged a ward of the court
pursuant to Section 602.

g) A petition alleges that the minor has violated an offense in which
the restitution owed to the victim exceeds one thousand dollars
($1,000). For purposes of this subdivision, the definition of “victim” in
paragraph (1) of subdivision (a) of Section 12022.7, subdivision (b) of
Section 703.6 and “restitution” in subdivision (h) of Section 703.6 shall apply.
(h) The minor is alleged to have committed a felony offense when the
minor was at least 14 years of age. Except in unusual cases where the
minor, or either or both of them, was the victim of the offense, and
an order to appear in the juvenile court at a date certain.

SEC. 23. Section 660 of the Welfare and Institutions Code is
amended to read:

660. (a) Except as provided in subdivision (b), if the minor is
detained, the clerk of the juvenile court shall cause the notice and copy of
the petition to be served on all persons required to receive that notice
and copy of the petition pursuant to Section 654 or 654.2, or a warrant
for the arrest of the minor may be issued pursuant to Section 657.

SEC. 19. Section 602.5 is added to the Welfare and Institutions
Code, to read:

602.5. [New section]

(a) A petition alleging that the minor personally
commits or aids in the commission of any of the offenses enumerated in
the One Strike law, subdivisions (a) or (d) of Section 667.61 of the Penal Code,
shall not be

SEC. 20. Section 625.3 of the Welfare and Institutions Code is
amended to read:

625.3. Notwithstanding Section 625, a minor who is 14 years of age
or older who is taken into custody on the strength of a petition that
the minor are

SEC. 21. Section 629 of the Welfare and Institutions Code is
amended to read:

629. (a) As a condition for the release of such minor, the probation
officer may require such minor or his parent, guardian, or relative, or
both, to sign a written promise that either or both of them will appear
before the probation officer at the juvenile hall or other suitable place
designated by the officer on or before a date certain.

outside of the county at least 10 days before the time set for hearing is
equivalent to service by first-class mail. Service may be waived by any
person by a voluntary appearance entered in the minutes of the court or
by a written waiver of service filed with the clerk of the court at or prior
to the hearing.
(d) For purposes of this section, service on the minor’s attorney shall
serve as service on the minor’s parent or legal guardian.
SEC. 24. Section 663 of the Welfare and Institutions Code is
amended to read:
663. (a) Whenever a petition has been filed in the juvenile court
alleging that a minor comes within the provisions of Section 601 or 602
of this code and praying for a hearing thereon, or whenever any
subsequent petition has been filed praying for a hearing in the matter
of the minor, a warrant of arrest may be issued immediately for the
minor upon a showing that any one of the following conditions are
satisfied:
(1) It appears to the court that the conduct and behavior of the minor
may endanger the health, person, welfare, or property of himself or
herself, or others, or that the circumstances of his or her home
environment may endanger the health, person, welfare, or property of
the minor.
(2) It appears to the court that each personal service upon the
minor has been unsuccessful, or the whereabouts of the minor are
unknown, and all reasonable efforts to locate and personally serve
the minor have failed.
(3) It appears to the court that the minor has willfully evaded service
of process.
(b) Nothing in this section shall be construed to limit the right of
parents or guardians to receive the notice and a copy of the petition
pursuant to Section 660.
SEC. 25. Section 676 of the Welfare and Institutions Code is
amended to read:
676. Whenever a petition is requested by the minor concerning whom the
petition has been filed and any parent or guardian present, the public
shall not be admitted to a juvenile court hearing. Nothing in this
section shall preclude the attendance of up to two family members of a
person in the courtroom when a person in the courtroom when a person
wishes to testify and for whom a subpoena has been issued, as authorized
by Section 868.5 of the Penal Code. The judge or referee may nevertheless
admit those persons he or she deems to have a direct and legitimate
interest in the particular case or the work of the court. However, except
as provided in subdivision (b), members of the public shall be admitted
on the same basis as they may be admitted to trials in a court of
criminal jurisdiction, to hearings concerning petitions filed pursuant to
Section 602 alleging that a minor is a person described in Section 602 by
reason of the violation of any one of the following offenses:
(1) Murder.
(2) Arson of an inhabited building.
(3) Robbery while armed with a dangerous or deadly weapon.
(4) Rape with force or violence or threat of great bodily harm.
(5) Sodomy by force, violence, duress, menace, or threat of great
bodily harm.
(6) Oral copulation by force, violence, duress, menace, or threat of
great bodily harm.
(7) Any offense specified in subdivision (a) of Section 289 of the Penal
Code.
(8) Kidnapping for ransom.
(9) Kidnapping for purpose of robbery.
(10) Kidnapping with bodily harm.
(11) Assault with intent to murder or attempted murder.
(12) Assault with a firearm or destructive device.
(13) Assault by any means of force likely to produce great bodily
injury.
(14) Discharge of a firearm into an inhabited dwelling or occupied
building.
(15) Any offense described in Section 1203.09 of the Penal Code.
(16) Any offense described in Section 12022.5 or 12022.53 of the
Penal Code.
(17) Any felony offense in which a minor personally used a weapon
listed in subdivision (a) of Section 12020 of the Penal Code.
(18) Burglary of an inhabited dwelling house or trailer coach, as
defined in Section 635 of the Vehicle Code, or the inhabited portion
of any other building if the minor previously has been adjudged a ward
of the court by reason of the commission of any offense listed in this
section, including an offense listed in this paragraph.
(19) Any felony offense described in Section 136.1 or 137 of the Penal
Code.
(20) Any offense as specified in Sections 11351, 11351.5, 11352,
11378, 11378.5, 11379, and 11379.5 of the Health and Safety Code.
(21) Criminal street gang activity which constitutes a felony
pursuant to Section 186.2 of the Penal Code.
(22) Manslaughter as specified in Section 192 of the Penal Code.
(23) Drive-by shooting or discharge of a weapon from or at a motor
vehicle as specified in Sections 246, 247, and 12034 of the Penal Code.
(24) Any crime committed with an assault weapon, as defined in
Section 12276 of the Penal Code, including possession of an assault
weapon as specified in subdivision (b) of Section 12280 of the Penal
Code.
(25) Carjacking, while armed with a dangerous or deadly weapon.
(26) Kidnapping, in violation of Section 209.5 of the Penal Code.
(27) Aggravated mayhem, in violation of Section 205 of the Penal
Code.
(28) Aggravated mayhem, in violation of Section 205 of the Penal
Code.
(29) Drug activity served terms of imprisonment.
(b) Where the petition filed alleges that the minor is a person
described in Section 602 by reason of the commission of rape with force
or violence or great bodily harm; sodomy by force, violence, duress,
menace, or threat of great bodily harm; oral copulation by force,
violence, duress, menace, or threat of great bodily harm; any offense
specified in Section 289 of the Penal Code, members of the public shall
not be admitted to the hearing in either of the following instances:
(1) Upon a motion for a closed hearing by the district attorney, who
shall make the motion at the hearing.
(2) During the victim’s testimony, if, at the time of the offense the
victim was under 16 years of age.
(c) The name of a minor found to have committed one of the offenses
listed in subdivision (a) shall not be confidential, unless the court, for
good cause, so orders. As used in this subdivision, “good cause” shall be
limited to protecting the personal safety of the minor, a victim, or the
member of the public. The court shall make a written finding, on the
record, explaining why good cause exists to make the name of the minor
confidential.
(d) Notwithstanding Sections 827 and 828 and subject to
subdivisions (e) and (f), when a petition is sustained for any offense
alleging that a minor is a person described in Section 602 by reason of
the commission of rape with force or violence or great bodily harm; oral
copulation by force, violence, duress, menace, or threat of great
bodily harm; any offense specified in Section 289 of the Penal Code,
members of the public shall not be admitted to the hearing in either of
the following circumstances:
(1) After a motion for a closed hearing by the minor, who
shall make the motion at the hearing.
(2) During the victim’s testimony, if, at the time of the offense the
victim was under 16 years of age.
(e) The probation officer or any party may petition the juvenile court
to prohibit disclosure to the public of any file or record. The juvenile
court shall prohibit the disclosure if it appears that the harm to the
minor or the public outweighs the benefit of public knowledge. However,
the court shall not prohibit disclosure for the benefit of the minor unless the court makes a
written finding that the reason for the prohibition is to protect the safety or
privacy of the minor.
(f) Nothing in this section shall be applied to limit the disclosure of
information as otherwise provided for by law.
(g) The juvenile court shall for each day that the court is in session,
hold a public hearing, in a conspicuous place which is accessible to the
general public, of a written list of hearings that are open to the general public pursuant
to this section, the location of those hearings, and the time when the
hearings will be held.
SEC. 26. Section 707 of the Welfare and Institutions Code is
amended to read:
707. (a) (1) In any case in which a minor is alleged to be a person
described in Section 602 (a) by reason of the violation, when he or she
was less than 18 years of age or under 21 years of age or under any of any criminal statute or ordinance except
those listed in subdivision (b), upon motion of the petitioner made prior
to the attachment of jeopardy the court shall cause the probation officer
to investigate and submit a report on the behavioral patterns and social
history of the minor being considered for a determination of unfitness.
Following submission and consideration of the report, and of any other
relevant evidence which the petitioner or the minor may wish to
introduce, the court shall cause the probation officer to investigate and submit a report on the behavioral patterns and social
history of the minor being considered for a determination of unfitness.
(f) The court shall make a written finding, on the
record, explaining why good cause exists to make the name of the minor
confidential.
(g) (1) Notwithstanding Sections 827 and 828 and subject to
subdivisions (e) and (f), when a petition is sustained for any offense
alleging that a minor is a person described in Section 602 by reason of
the commission of rape with force
or violence or great bodily harm; oral
copulation by force, violence, duress,
menace, or threat of great bodily harm;
any offense specified in Section 289 of the
Penal Code, members of the public shall
not be admitted to the hearing in either of
the following circumstances:
(1) After a motion for a closed hearing by the minor, who shall
make the motion at the hearing.
(2) During the victim’s testimony, if, at the time of the offense the
victim was under 16 years of age.
(e) The probation officer or any party may petition the juvenile court
to prohibit disclosure to the public of any file or record. The juvenile
court shall prohibit the disclosure if it appears that the harm to the
minor or the public outweighs the benefit of public knowledge. However,
the court shall not prohibit disclosure for the benefit of the minor unless the court makes a
written finding that the reason for the prohibition is to protect the safety or
privacy of the minor.
(f) Nothing in this section shall be applied to limit the disclosure of
information as otherwise provided for by law.
(g) The juvenile court shall for each day that the court is in session,
hold a public hearing, in a conspicuous place which is accessible to the
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those listed in subdivision (b), upon motion of the petitioner made prior
to the attachment of jeopardy the court shall cause the probation officer
to investigate and submit a report on the behavioral patterns and social
history of the minor being considered for a determination of unfitness.
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hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 where great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.

(23) Torture as described in Sections 206 and 206.1 of the Penal Code.

(24) Aggravated mayhem, as described in Section 205 of the Penal Code.

(25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.

(26) Kidnapping, as punishable in subdivision (d) of Section 208 of the Penal Code.

(27) Kidnapping, as punishable in Section 209.5 of the Penal Code.

(28) The offense described in subdivision (c) of Section 12034 of the Penal Code.

(29) The offense described in Section 12380 of the Penal Code.

(30) The offense described in subdivision (a) of Section 192 of the Penal Code.

A minor shall be presumed to be not a fit and proper subject to be dealt with under the juvenile court law unless the juvenile court concludes, based upon evidence, which evidence may be of extenuating or mitigating circumstances that the minor would be amenable to the care, treatment, and training program available through the facilities of the juvenile court, based upon an evaluation of the following criteria:

(A) The degree of criminal sophistication exhibited by the minor.

(B) Whether the minor may be rehabilitated prior to the expiration of the juvenile court’s jurisdiction.

(C) The minor’s previous delinquent history.

(D) Success of previous attempts by the juvenile court to rehabilitate the minor.

(E) The circumstances and gravity of the offense alleged in the petition to have been committed by the minor.

Provided further that subdivision (b) of Section 602 of the Penal Code, which would also constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.
(E) The offense committed in subsection (a) of Section 602 of the Penal Code, in which the minor personally used a firearm.

(L) Aggravated mayhem, as described in Section 605 of the Penal Code.

(C) Assault with a firearm in which the minor personally used the firearm.

(R) Attempted murder.

(U) Kidnapping in which the minor personally used a firearm.

(T) Burglary in which the minor personally used a firearm.

(S) Rape in which the minor personally used a firearm.

(R) Attempted murder.

(Q) Assault with a firearm in which the minor personally used the firearm.

(W) Kidnapping, in violation of Section 209.5 of the Penal Code.

(M) Manufacturing, compounding, or selling one-half ounce or more of any salt or solution of a controlled substance specified in subsection (e) of Section 11055 of the Health and Safety Code.

(N) Escape, by the use of force or violence, from any county juvenile hall, home, ranch, camp, or forestry camp in violation of subsection (b) of Section 871 where great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.

(O) Torture, as described in Section 206 of the Penal Code.

(P) Aggravated mayhem, as described in Section 605 of the Penal Code.

(Q) Assault with a firearm in which the minor personally used the firearm.

(R) Attempted murder.

(U) Kidnapping in which the minor personally used a firearm.

(T) Burglary in which the minor personally used a firearm.

(S) Rape in which the minor personally used a firearm.

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(Q) Assault with a firearm in which the minor personally used the firearm.

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(P) Aggravated mayhem, as described in Section 605 of the Penal Code.

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(R) Attempted murder.

(U) Kidnapping in which the minor personally used a firearm.

(T) Burglary in which the minor personally used a firearm.

(S) Rape in which the minor personally used a firearm.

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(Q) Assault with a firearm in which the minor personally used the firearm.

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(O) Torture, as described in Section 206 of the Penal Code.

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(N) Escape, by the use of force or violence, from any county juvenile hall, home, ranch, camp, or forestry camp in violation of subsection (b) of Section 871 where great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.

(O) Torture, as described in Section 206 of the Penal Code.

(P) Aggravated mayhem, as described in Section 605 of the Penal Code.
Text of Proposed Laws—Continued

but does instead to file a petition in the juvenile court, if the minor is subsequently found to be a person described in subdivision (a) of Section 602, the minor shall be committed to placement in a juvenile hall, ranch camp, forestry camp, boot camp, or secure juvenile home pursuant to Section 602, provided that the order of commitment is for the Youth Authority upon a determination of the court that the previous disposition has not been effective in the rehabilitation or protection of the minor.

(6) If, pursuant to this subdivision, the minor is found to be not a fit and proper subject for juvenile court treatment and is tried in a court of criminal jurisdiction and found guilty by the trier of fact, the judge may commit the minor to the Youth Authority in lieu of sentencing them to the state prison, unless the limitations specified in Section 1732.6 apply.

(4)(e) Any report submitted by a probation officer pursuant to this section shall contain the behavior and social history of the minor being considered for a determination of unfitness shall include any written or oral statement offered by the victim, the victim's parent or guardian if the victim is a minor, or if the victim has died, the victim's immediate family, any current or former significant other, or agency having jurisdiction over the minor.

 Victims' statements shall be considered by the court to the extent they are relevant to the court's determination of unfitness.

SEC. 27. Section 777 of the Welfare and Institutions Code is amended to read:

777. An order changing or modifying a previous order by removing a minor from the physical custody of a parent, guardian, relative, or friend and directing placement in a foster home, or commitment to a public institution or commitment to a county institution, or an order

of law, the court shall not order the person

registered in the custody of the Department of Justice

registration information in the custody of the Department of Justice

relating to the case in the custody of the other agencies and officials as

order all records, papers, and exhibits in the person

agency and official shall seal the records in its custody as directed by

and official named therein, directing the agency to seal its records and

accordingly to any inquiry about the events, the records of which are

ordered the person

after any period of

probation not amounting to a crime. The petition

registration of the Penal Code, a court, in ordering the sealing of the juvenile

records of the person, also shall provide in the order that the person is

released from the registration requirement and for the destruction of all

registration information of the Department of Justice and other agencies and officials. Notwithstanding any other provision of law, the court shall not order the person's records sealed in any case in which the person has been found by the juvenile court to have

subdivision (d), or subdivision (e) of Section 707 until at least six years have elapsed since commission of the offense listed in subdivision (b), paragraph (a) of subdivision (a), or subdivision (e) of Section 707 when

Section 626 or was taken before any officer of a law enforcement agency, and public officials as the petitioner alleges, in his or her petition, to have custody of the records. The court shall notify the district attorney of the county and the county probation officer, if he

minor is not a person described by subdivision (a) or that the

jurisdictional hearing it appears to the prosecuting attorney that the

facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor.

(2) By the probation officer or the prosecuting attorney, after consulting with the probation officer, if the minor is a court ward or probationer under Section 602 in the original matter and the

satisfied by subdivision (b) of Section 656 et seq.

Such notice shall be served upon the persons and in the manner prescribed by Sections 658 and 660.

The facts alleged in the notice shall be established by a

of the Penal Code, a court, in ordering the sealing of the juvenile

records of the person, also shall provide in the order that the person is

released from the registration requirement and for the destruction of all

registration information of the Department of Justice and other agencies and officials. Notwithstanding any other provision of law, the court shall not order the person's records sealed in any case in which the person has been found by the juvenile court to have

subdivision (d), or subdivision (e) of Section 707 until at least six years have elapsed since commission of the offense listed in subdivision (b), paragraph (a) of subdivision (a), or subdivision (e) of Section 707 when

Section 626 or was taken before any officer of a law enforcement agency, and public officials as the petitioner alleges, in his or her petition, to have custody of the records. The court shall notify the district attorney of the county and the county probation officer, if he

minor is not a person described by subdivision (a) or that the

jurisdictional hearing it appears to the prosecuting attorney that the

facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor.

(3) Where the probation officer is the petitioner pursuant to paragraph (2), if prior to the attachment of jeopardy at the time of the juvenile court hearing the petition, it shall be so determined by the court that the previous disposition has not been effective in the rehabilitation or protection of the minor.

(4) (a) In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudicate a person a ward of the court, the order of commitment is for the Youth Authority

subject to the registration requirements set forth in Section 290 of the Penal Code, a court, in ordering the sealing of the juvenile

records of the person, also shall provide in the order that the person is

released from the registration requirement and for the destruction of all

registration information of the Department of Justice and other agencies and officials. Notwithstanding any other provision of law, the court shall not order the person's records sealed in any case in which the person has been found by the juvenile court to have

subdivision (d), or subdivision (e) of Section 707 until at least six years have elapsed since commission of the offense listed in subdivision (b), paragraph (a) of subdivision (a), or subdivision (e) of Section 707 when

Section 626 or was taken before any officer of a law enforcement agency, and public officials as the petitioner alleges, in his or her petition, to have custody of the records. The court shall notify the district attorney of the county and the county probation officer, if he

minor is not a person described by subdivision (a) or that the

jurisdictional hearing it appears to the prosecuting attorney that the

facts sufficient to support the conclusion that the previous disposition has not been effective in the rehabilitation or protection of the minor.

(5) The court, either at its own request or at the request of the

is an exception to the application of Section 654 of the Welfare and Institutions Code.
Text of Proposed Laws—Continued

public record of such a conviction, the court shall notify the Department of Motor Vehicles of the sealing and the department shall advise the court of its receipt of the notice.

Notwithstanding any other provision of law, subsequent to the notification, the Department of Motor Vehicles shall allow access to its record of convictions only to the subject of the record and to insurers which have received written notice from the Department of Motor Vehicles. Any insurer to which such a record of conviction is disclosed, when such a conviction record has otherwise been sealed under this section, shall be given notice of the sealing when the record is disclosed to the insurer. The insurer shall retain the record for purposes of determining eligibility for insurance and insurance rates for the subject of the record, and the information shall not be used for any other purpose nor shall it be disclosed by an insurer to any person or party not having access to the record.

Subdivision shall not be construed as preventing the sealing of any record which is maintained by any agency or party other than the Department of Motor Vehicles.

This subdivision shall not be construed as affecting the procedures or authority of the Department of Motor Vehicles for purging department records.

d) Unless for good cause the court determines that the juvenile court record shall be revealed, the court shall order the destruction of a person's juvenile court records that are sealed pursuant to this section as follows: five years after the record was ordered sealed, if the person who is the subject of the record was alleged or adjudged to be a person described in subdivision (b) of Section 707 when the record reaches the age of 38 if the person was alleged or adjudged to be a person described by Section 602, except that if the subject of the record was found to be a person described in subdivision (b) of Section 602 because of the commission of an offense listed in subdivision (b) of Section 707, when he or she was 14 years of age or older, the record shall not be destroyed.

Any other agency in possession of sealed records may destroy its records five years after the record was ordered sealed.

e) The section shall not permit the sealing of a person's juvenile court records for an offense where the person is convicted of that offense in a criminal court pursuant to the provisions of Section 707.1. This subdivision is declaratory of existing law.

SEC. 29. Article 20.5 (commencing with Section 790) is added to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, to read:

Article 20.5. Deferred Entry of Judgment

790. (a) Notwithstanding Sections 654, 654.2, or any other provision of law, this article shall apply whenever a case is before the juvenile court for the commission of a felony offense, if all of the following circumstances apply:

1. That the minor has not previously been declared to be a ward of the court for the commission of a felony offense.

2. The offense charged is not one of the offenses enumerated in subdivision (b) of Section 707.

3. The minor has not previously been committed to the custody of the Youth Authority.

4. The minor's record does not indicate that probation has ever been revoked without being completed.

5. The minor is not under 14 years of age at the time of the hearing.

6. The minor is eligible for probation pursuant to Section 1203.06 of the Penal Code.

b) The prosecuting attorney shall review his or her file to determine whether the following paragraphs (1) to (6), inclusive, of subdivision (a) apply. Upon the agreement of the prosecuting attorney, the public defender or the minor's private defense attorney, and the presiding judge of the juvenile court or a judge designated by the presiding judge to the application of this article, this procedure shall be completed as soon as possible after the initial filing of the petition. If the prosecuting attorney, the defense attorney, and the juvenile court judge do not agree, the case shall proceed under Article 16 (commencing with Section 675). If the minor is found eligible for deferred entry of judgment, the prosecuting attorney shall file a declaration in writing with the court stating that the minor has been convicted of the offense charged in the petition, the date of such conviction, the terms of probation, as defined in Section 794, the positive recommendation of the probation department, and the motion of the prosecuting attorney, but no sooner that 12 months and no later than 36 months from the date of the minor's referral to the program, the court shall dismiss the charges against the defendant and enters judgment of nonviolation.

(4) A clear statement that upon any failure of the minor to comply with the terms of probation, including the rules of any program the minor is directed to attend, or any circumstances specified in Section 793, the prosecuting attorney or the probation department, or the court may make a motion to the court for any entry of judgment and the court shall render a finding that the minor is a ward of the court pursuant to Section 602 for the offenses specified in the original petition and shall schedule a dispositional hearing.

(5) An explanation of record retention and disposition resulting from participation in the deferred entry of judgment program and the minor's rights relative to answering questions about his or her arrest and entry of judgment following successful completion of the program.

(6) A statement that if the minor fails to comply with the terms of the program and judgment is entered, the offense may serve as a basis for a finding of unfitness pursuant to subdivision (d) of Section 707, if the minor commits two subsequent felony offenses.

(b) If the minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department for evaluation as to the entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of judgment. When directed by the court, the probation department shall make an investigation and take into consideration the defendant's prior conduct, family relationships, demonstrable motivation, treatment history, if any, and other mitigating and aggravating factors in determining whether the minor is a person who would be benefited by education, treatment, or rehabilitation.

The probation department shall report its findings and recommendations to the court. The court shall make the final determination regarding education, treatment, and rehabilitation of the minor.

(c) A minor's admission of the charges contained in the petition pursuant to this chapter shall not constitute a finding that a petition has been sustained for any purpose, unless a judgment is entered pursuant to subdivision (b) of Section 790.

972. The judge shall issue a citation directing any custodial parent, guardian, or foster parent to appear at the time and place set for the hearing, and direct any person having custody or control of the minor concerning whom the petition has been filed to bring the minor with him or her. The notice shall in additional state that a parent, guardian, or foster parent may be required to participate in a counseling or education program with the minor concerning whom the petition has been filed. The notice shall explain the provisions of Section 170.6 of the Code of Civil Procedure. Personal service shall be made at least 24 hours before the time stated for the appearance.

973. (a) If it appears to the prosecuting attorney, the court, or the probation department that the minor is not performing satisfactorily in the assigned program or is not complying with the terms of the minor's probation, or that the minor is not benefiting from education, treatment, or rehabilitation, the court shall lift the deferred entry of judgment and order the minor to appear at a dispositional hearing. If the minor consents and waives his or her right to a speedy jurisdictional hearing, the court may order that the minor be referred to the probation department that the minor is not performing satisfactorily in the program and make an investigation and report its findings and recommendations to the court. The court shall consider whether imposing random drug or alcohol testing, or both,
including urinalysis, would be an appropriate condition of probation. The judge shall also, when appropriate, require the minor to periodically establish compliance with curfew and school attendance requirements. The court may, in consultation with the probation department, order the minor to perform work, in addition to any other condition of probation, that the judge believes would assist in the education, treatment, and rehabilitation of the minor and the prevention of criminal activity. The minor may also be required to pay restitution to the victim or victims pursuant to the provisions of this code.

795. The probation officer or a person designated by the county probation officer shall serve in each county as the program administrator for juveniles granted deferred entry of judgment and shall be responsible for developing, supervising, and monitoring treatment programs and otherwise overseeing the placement and supervision of minors granted probation pursuant to the provisions of this chapter.

SEC. 30. Section 827.1 of the Welfare and Institutions Code, as added by Chapter 422 of the Statutes of 1996, is amended and renumbered to read:

827.1. Section 827.2. (a) Notwithstanding Section 827 or any other provision of law, written notice that a minor has been found by a court of competent jurisdiction to have committed any felony pursuant to Section 602 shall be provided by the court within seven days to the sheriff of the county in which the offense was committed and to the sheriff of the county in which the minor resides. Written notice shall include only that information regarding the felony offense found to have been committed by the minor and the disposition of the minor’s case. If at any time thereafter the court modifies the disposition of the minor’s case, it shall so notify the sheriff. (b) The sheriff may disseminate the information to other law enforcement personnel upon request, provided that he or she reasonably believes that the release of this information is generally relevant to the prevention or control of juvenile crime.

(b) Any information received pursuant to this section shall be received in confidence for the limited law enforcement purpose for which it was provided and shall not be further disseminated except as provided in this section. (c) If a minor is found by a court to have committed any felony, the provisions of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars ($500).

(c) Notwithstanding subdivision (a) or (b), a law enforcement agency may disclose to the public or to any interested person the information received pursuant to subdivision (a) regarding a minor 14 years of age or older who was found by the court to have committed any felony enumerated in subdivision (b) of Section 707. The law enforcement agency shall not release this information if the court for good cause, with a written statement of reasons, so orders.

SEC. 31. Section 827.5 of the Welfare and Institutions Code is amended to read:

827.5. Notwithstanding any other provision of law except Sections 389 and 781 of this code and Section 1203.45 of the Penal Code, a law enforcement agency may disclose the name of any minor 14 years of age or older taken into custody for the commission of any felony listed in subdivision (b) of Section 707 where the offenses allegedly committed by the minor at the time of the commission of the crime.

SEC. 32. Section 827.6 of the Welfare and Institutions Code is amended to read:

827.6. (a) Notwithstanding any other provision of law, the presiding judge of the juvenile court may authorize a law enforcement agency to disclose only the name and other information necessary to identify a minor who is lawfully sought for arrest as a suspect in the commission of any felony listed in subdivision (b) of Section 707 where the disclosure is imperative for the apprehension of the minor. The court order shall be for the limited purpose of enabling law enforcement to apprehend the minor, and shall contain the exact nature of the data to be released. In determining whether to authorize the release of information pursuant to this section, the court shall balance the confidentiality interests of the minor under this chapter, the due diligence of law enforcement to apprehend the minor prior to the filing of a petition for judicial supervision, and public safety interests raised by the facts of the minor’s case.

(b) When seeking an order of disclosure pursuant to this section, in addition to any other information requested by the presiding judge, a law enforcement agency shall provide to the court a verified declaration and any supporting exhibits indicating the probable cause for the lawful arrest of the minor, efforts to locate the minor, including, but not limited to, persons contacted, surveillance activity, search efforts, and any other pertinent information, all evidence regarding why the order is critical, including a minor’s danger to himself or herself, the minor’s danger to others, the minor’s flight risk, and any other information indicating the urgency for the court order.

SEC. 33. Section 828.01 of the Welfare and Institutions Code is amended to read:

828.01. (a) Notwithstanding any other provision of law, a law enforcement agency may release the name of, and any descriptive information about, a minor 14 years of age or older, and the offenses allegedly committed by that minor, if there is an outstanding warrant for the arrest of that minor for an offense described in paragraph (1) of subdivision (a) of Section 707. Any releases made pursuant to this section shall be reported to the presiding judge of the juvenile court.

(b) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2000, deletes or extends that date.

SEC. 34. Section 1732.6 of the Welfare and Institutions Code is amended to read:

1732.6. (a) No minor shall be committed to the Youth Authority when he or she is convicted in a criminal action for an offense described in subdivision (a) of Section 667.5 or subdivision (c) of Section 1192.7 of the Penal Code, and is sentenced to incarceration for life, an indeterminate period to life, or a determinate period of years such that the maximum number of years of potential confinement when added to the minor’s age would exceed 25 years. (b) Except as specified in subdivision (b), in all other cases in which the minor has been convicted in a criminal action, the court shall retain discretion to sentence the minor to the Department of Corrections or to commit the minor to the Youth Authority.

(c) No minor shall be committed to the Youth Authority when he or she is convicted in a criminal action for:

(1) An offense described in subdivision (b) of Section 602, or

(2) An offense described in paragraphs (1), (2), or (3) of subdivision (c) of Section 707, if the circumstances enumerated in those paragraphs are found to be true by the trier of fact.

(3) An offense described in subdivision (b) of Section 707, if the minor had attained the age of 16 years at age or older at the time of commission of the offense.

(c) Notwithstanding any other provision of law, no person under the age of 16 years shall be housed in any facility under the jurisdiction of the Department of Corrections.

SEC. 35. INTENT. In enacting Section 4 of this initiative, adding subdivision (i) to Section 186.22 of the Penal Code, it is the intent of the people to reaffirm the reasoning contained in footnote 4 of In re Lincoln J., 223 Cal.App.3d 322 (1990) and to disapprove of the reasoning contained in People v. Green, 227 Cal.App.3d 693 (1991) (holding that proof that “the person must devote all, or a substantial part of his or her efforts to criminal street gang activity” is necessary in order to secure a conviction under subdivision (a) of Section 186.22 of the Penal Code).

SEC. 36. INTENT. In enacting Section 11 of this initiative (amending Section 190.2 of the Penal Code to add intentional gang-related murders to the list of special circumstances, permitting imposition of the death penalty or life without the possibility of parole for this offense), it is not the intent of the people to abrogate Section 190.5 of the Penal Code. The people of the State of California reaffirm and declare that it is the policy of this state that the death penalty may not be imposed upon any person who was under the age of 18 years at the time of the commission of the crime.

SEC. 37. INTENT. It is the intent of the people of the State of California in enacting this measure that if any provision in this act conflicts with another section of law which provides for a greater penalty or longer period of imprisonment that the latter provision shall apply, pursuant to Section 654 of the Penal Code.

SEC. 38. SEVERABILITY. If any provision of this act, or part thereof, is held to be invalid, it is the intent of the people of the State of California that the remaining sections shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

SEC. 39. AMENDMENT. The provisions of this measure shall not be amended by the legislature on or before its passage in a regular session of the legislature held in any year following the year of approval by a rollcall vote entered in the journal, two-thirds of the membership of each house being present, or by any amendment which would make the measure effective as a whole.
Proposition 22: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution. This initiative measure amends and adds sections to the Elections Code; therefore, existing provisions proposed to be deleted are printed in italic type and new provisions proposed to be added are printed in bold type to indicate that they are new.

PROPOSED LAW

"NONE OF THE ABOVE" ELECTION REFORM ACT

SECTION 1. This act shall be known and may be cited as the "None of the Above" Election Reform Act.

SEC. 2. FINDINGS AND DECLARATIONS

The people of the State of California find and declare:

(a) Many eligible citizens of all political parties do not participate in elections because they are angered by negative campaigns, frustrated with the narrow choice of candidates, and convinced that those elected to represent them do not speak for or have the interests at heart.

(b) Voters in the State of Nevada have, for more than 20 years, benefited from having the choice to vote for "None of the Above" and have their choice counted and reported as part of official election results.

(c) Establishing the option of voting for "None of the Above" will encourage voter participation in elections by giving citizens who have tended not to vote in the past a means of participating responsibly while voicing a protest against negative campaigns, limited choice of candidates, and poor performance of officeholders.

(d) Establishing a nonbinding "None of the Above" option will not alter the principle that the election is won by the candidate who receives the most votes.

(e) Voters, candidates, and officeholders will benefit from official publication of information concerning how many voters choose "None of the Above" rather than any of the candidates on the ballot for a particular public office. Specifically, when more voters cast their ballots for "None of the Above" than for any of the candidates, they will send a powerful message about the need for reform. Votes for "None of the Above" will tell politicians that their methods of recruiting candidates, campaigning, and communicating with the public need improvement.

SEC. 3. PURPOSE AND INTENT

The people of the State of California hereby declare their purpose and intent in enacting this act to be as follows:

(a) To increase voter participation in elections.

(b) To give voters a means to responsibly protest, and visibly express their dissatisfaction with, the choices offered on the ballot.

(c) To send politicians a message about voter anger over negative campaigns, the lack of meaningful choices among candidates, and the inadequacy of their elected representatives.

SEC. 4. Chapter 5 (commencing with Section 400) is added to Division 0.5 of the Elections Code, as follows:

CHAPTER 5. OPTION OF VOTING FOR NONE OF THE ABOVE

400. Notwithstanding any other provision of law, in all primary, general, special, and recall elections for President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Secretary of State Treasurers, Superintendent of Public Instruction, Insurance Commissioner, Member of the Board of Equalization, Member of the Assembly, and State Senator, voters shall be provided with the option of voting for "None of the Above." Only votes cast for named candidates (including valid write-in candidates) shall be counted in determining the selection of presidential electors or nomination or election to any of the other specified federal and state offices, but for each office the number of ballots on which "None of the Above" was selected shall be listed below the names of the candidates and the number of their votes in every tally sheet, snap tally form, semi-official return, official return, statement of the result, return, statement of the vote, supplement to the statement of the vote, or other official listing of election results.

SEC. 5. Section 6480 of the Elections Code is amended to read:

6480. The format of the presidential portion of the Republican primary ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, except that the instructions to voters shall beystal format and new provisions proposed to be added are printed in italic type to indicate that they are new.

(d) Presidential candidates who have qualified for the ballot and to whom instructions to voters are excluded reference to groups of candidates preferring a person whose name appears on the ballot or references to any group of candidates not expressing a preference for a particular candidate.

(e) In place of the heading: "FOR DELEGATES TO NATIONAL CONVENTION. Vote for one group or 'None of the Above' only," shall appear the heading: "PRESIDENTIAL PREFERENCE. Vote for one or 'None of the Above'."

(f) Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a).

(g) The instructions to voters shall be the same as provided for in Chapter 2 (commencing with Section 13100) of Division 13 except that they shall begin with the words, "To express your preference for a candidate for nomination for President, stamp a cross (+) in the square opposite the name of the candidate or "None of the Above." Your vote in this portion of the ballot is advisory only. Delegates to the national convention will be elected in the delegate selection portion of the ballot."
at the last gubernatorial election preceding the issuance of the title and summary for the initiative measure by the Attorney General.

SEC. 9. Section 11322 of the Elections Code is amended to read:

Section 11322. In addition to the material contained in Section 11320, the following shall apply to district recall elections, except at a landowner voting district recall election:

(a) The names of the candidates nominated to succeed the officer to be recalled shall appear under each recall question.

(b) Following each list of candidates, the ballot shall provide one blank line with a vote to the right of it for the voter to write in a name not printed on the ballot.

(c) In addition to the material contained in subclauses (a) and (b), the following shall apply to all recall elections for the offices specified in Section 400: the phrase "None of the Above," shall appear under each recall question.

SEC. 10. Section 13204 of the Elections Code is amended to read:

Section 13204. (a) In the right-hand margin of each column containing the name of a candidate for partisan office, nonpartisan office (except for justice of the Supreme Court or court of appeal), or for candidates for the offices of President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, Member of the Board of Equalization, Member of the Assembly, or State Senator, there shall be a voting square to the right of the name of that candidate.

(b) If a group of candidates for electors has been nominated by a party not qualified to participate in the election write in the names and party of the candidates of that party. A cross (+) stamped in the square opposite the name of each candidate for partisan office, nonpartisan office (except for justice of the Supreme Court or court of appeal), or for candidates for the offices of President, Vice President, Member of the United States Senate, Member of the House of Representatives, Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, Member of the Board of Equalization, Member of the Assembly, or State Senator, shall be printed so as to create voting squares to the right of the phrase "None of the Above." The voting squares shall be used by the voters to express their choices as provided for in the instruction to voters.

(c) In that section of the ballot designated for judicial offices, next to the heading "judicial," shall appear the instruction: "Vote yes or no for each judge." In the case of Supreme Court or appellate court judges, the instructions shall be printed in no less than 16-point gothic condensed capital type. Thereafter, the instructions shall be printed in 10-point gothic type all of the following directions that are applicable to the ballot:

"To vote for a candidate for Chief Justice of California; Associate Justice of the Supreme Court; President of Court of Appeal; or Associate Justice of the Supreme Court or court of appeal do not appear on the ballot, the instructions referring to voting after the word "No," to the right of the name of that candidate.

"To vote against a candidate, stamp a cross (+) in the voting square after the word "No," to the right of the name of that candidate.

"To vote for a candidate, stamp a cross (+) in the voting square opposite the name of that candidate whose name appears on the ballot.

"To vote against a group of candidates, stamp a cross (+) in the square after the word "No," to the right of the name of that candidate.

"To vote for a group of candidates, stamp a cross (+) in the square opposite the name of the chairman of the group. If you do not choose to vote for any candidate or group of candidates for the office for which you desire to vote, or do not exceed, however, the number of candidates to be elected.

"To vote for a qualified write-in candidate, write the person's name in the blank space provided for that purpose after the names of the other candidates for the office whose name appears on the ballot.

"To vote on any measure, stamp a cross (+) in the voting square after the word "Yes," or the word "No.

"All distinguishing marks or erasures are forbidden and make the ballot void.

"If you wrongly stamp, tear, or deface this ballot, return it to the precinct board member and obtain another.

"On absent voter ballots mark a cross (+) with pen or pencil."
Text of Proposed Laws—Continued

SEC. 14. Section 13211 of the Elections Code is amended to read: 13211. The names of the candidates and, with regard to all elections for the offices specified in Section 400, the phrase “None of the Above,” shall be printed on the ballot, without indentation, in roman capital, boldface type, and in such a manner that light lines or rules cast at least three-eighths of an inch apart but no more than one-half inch apart. However, in the case of candidates for President and Vice President, the lines or rules may be as much as five-eighths of an inch apart. (a) The elections official shall prepare and forward to each selected precinct forms containing a list of the offices and measures designated for the election, stating the number of ballots to be printed for each, and stating the number of ballots to be counted for the tally sheet. In each general election, the special form shall, for each office listed on it, include the names of all candidates for that office whose names appear on the ballot, and with regard to the offices specified in Section 400, the designations “None of the Above.”

(b) The inspector at each selected precinct shall note the results of the count and the total number of votes cast in the precinct on the tally sheets, as soon as the designated number of ballots has been tallied. The inspector shall then communicate the figures in the manner directed by the elections official. In each general election, the figures shall be acknowledged by each candidate whose name appears on the ballot, and acknowledged by the elections official. The inspector shall continue, at each time the designated number of ballots have been tallied, to note and report the results as directed.

SEC. 15. Section 14441 of the Elections Code is amended to read: 14441. (a) The elections official shall prepare and forward to each selected precinct forms containing a list of the offices and measures designated for the election, stating the number of ballots to be counted for the tally sheet. In each general election, the special form shall, for each office listed on it, include the names of all candidates for that office whose names appear on the ballot, and with regard to the offices specified in Section 400, the designations “None of the Above.”

(b) The precinct board members keeping the tally sheets shall record opposite each name or measure, with pen or indelible pencil, the number of votes by tally as the name of each candidate, “None of the Above,” or measure voted upon is read aloud from the respective ballot. In tallying the votes, the precinct board members keeping the tally sheets shall draw two heavy lines in indelible pencil from the last tally mark to the end of the line in which the tally terminates and initial that line. The total number of votes counted for each candidate, for “None of the Above,” and for and against each measure shall be reported to the election official as determined by the election official.

SEC. 20. Section 15374 of the Elections Code is amended to read: 15374. (a) The statement of the result shall show all of the following:

(1) The total number of ballots cast.

(2) The number of votes cast at each precinct for each candidate, for “None of the Above,” and for and against each measure.

(b) The statement of the result shall also show the number of votes cast in each city, Assembly district, congressional district, senatorial district, State Board of Equalization district, and supervisorial district located in whole or in part in the county, for each candidate for the offices of presidential elector and all statewide offices, depending on the offices to be filled, and on each statewide ballot proposition. With regard to the offices of presidential elector and all statewide offices, the statement of the result shall also show the number of votes cast for “None of the Above.”

SEC. 21. Section 15375 of the Elections Code is amended to read: 15375. The elections official shall forthwith send to the Secretary of State a complete copy of all results as to all of the following:

(a) All candidates voted for statewide offices, and, with regard to elections for the statewide offices specified in Section 400, “None of the Above.”

(b) All candidates and “None of the Above” voted for the following offices:

(A) State Assembly.

(B) State Senate.

(C) Member of the United States House of Representatives.

(D) Member of the State Board of Equalization.

(4) (3) All candidates voted for J justice of the Court of Appeals.

(4) (4) All persons and “None of the Above” voted for at the presidential primary or for candidates for President and Vice President of the United States. The results for all persons voted for at the presidential primary or for candidates for President to whom delegates of a political party are pledged shall be reported according to the number of votes each candidate and “None of the Above” received from all voters and separately according to the number of votes each candidate and “None of the Above” received from voters affiliated with a qualified political party.

(4) (5) Statewide ballot measures.

(b) The elections official shall transmit to the Secretary of State at intervals no greater than two hours, following commencement of the semifinal official canvass:

SEC. 18. Section 15276 of the Elections Code is amended to read: 15276. The precinct board members shall ascertain the number of votes cast for each person, for “None of the Above,” and for and against each measure in the following manner:

One precinct board member shall read from the ballots. As the ballots are read, the other precinct board member shall keep track of each vote so as to check on any possible error or omission on the part of the officer reading or calling the ballot.

SEC. 19. Section 15277 of the Elections Code is amended to read: 15277. (a) The precinct board members shall each keep a tally sheet in a form prescribed by the elections official. Each tally sheet shall contain all of the following:

(1) The name of each candidate and, with regard to elections for the offices specified in Section 400, “None of the Above,” being voted for and the specific office for which each candidate is and “None of the Above” are being voted. The offices shall be in the same order as on the ballot.

(2) A list of each measure being voted upon.

(3) Suffic fine space to permit the tallying of the full vote cast for each candidate, for “None of the Above,” and for and against each measure.

(b) The precinct board members keeping the tally sheets shall record opposite each name or measure, with pen or indelible pencil, the number of votes by tally as the name of each candidate, “None of the Above,” or measure voted upon is read aloud from the respective ballot. In tallying the votes, the precinct board members keeping the tally sheets shall draw two heavy lines in indelible pencil from the last tally mark to the end of the line in which the tally terminates and initial that line. The total number of votes counted for each candidate, for “None of the Above,” and for and against each measure shall be reported as determined by the election official.
compile a supplement to the statement of the vote, showing the number of votes cast in each county, city, Assembly district, senatorial district, congressional district and supervisorial district for each candidate and "None of the Above" for the offices of presidential elector, Governor, and United States Senator, depending on the offices to be filled, and on each statewide ballot proposition. A copy of this supplement shall be made available, upon request, to any elector of this state.

SEC. 24. No provision of this act may be amended by the Legislature except to further the purposes of that provision by a statute passed in each house by roll call votes cast in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electorate. No amendment by the Legislature shall be deemed to further the purposes of this act unless it further the purpose of the specified provision of this act being amended. In any judicial action with respect to any legislative amendment, the court shall exercise its independent judgment as to whether or not the amendment satisfies the requirements of this section.

SEC. 25. If this act is approved by voters but superseded by any other conflicting ballot measure approved by more voters at the same election, and the conflicting ballot measure is later held invalid, it is the intent of the voters that this act shall be self-executing and given full force of the law.

SEC. 26. In the event that this measure and another measure or measures relating to a "none of the above" option in this state shall appear on the same statewide election ballot, the provisions of these other measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void in their entirety. In the event that the other measure or measures shall receive a greater number of affirmative votes, the provisions of this measure shall take effect to the extent permitted by law.

SEC. 27. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

### Proposition 24: Text of Proposed Law

**Proposition 24 removed by order of the California Supreme Court.**

### Proposition 25: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution. This initiative measure amends, repeals, and adds sections to the Elections Code and the Government Code; therefore, existing provisions proposed to be deleted are printed in strikeout type and new provisions proposed to be added are printed in italic type to indicate that they are new.

**PROPOSED LAW**

SECTION 1. Title

This measure shall be known as the California Voters Bill of Rights Act.

SECTION 2. Findings and Declarations

The people of California find and declare as follows:

(a) The people of California should be governed by a political system that is fair to all persons, open to public scrutiny, and dedicated to the principle that government derives its powers from the consent of the governed.

(b) The existing political system has failed to provide fairness in representation and is disproportionately dominated by individuals and groups whose extraordinary financial or political advantages enable a disregard of the consent of the governed.

(c) The recent history in California of financing campaigns and providing disproportionate advantages to protect incumbent officeholders have undermined public confidence in government.

(d) This unfair current political system is recognized by many residents of California, leading to worriesome levels of voter apathy and disenchantment with politics.

(e) Our democracy cannot continue to flourish if elections are often unfair, and voters perceive them to be unfair.

SECTION 3. Purposes of This Act

The people enact this law to accomplish the following related purposes:

(a) To ensure that all individuals and interest groups in our society have a fair and equitable opportunity to participate in the elective and governmental processes.

(b) To minimize the potentially corrupting influence and appearance of corruption caused by excessive contributions and expenditures in campaigns.

(c) To lessen the potentially corrupting pressures on candidates and officeholders and the appearance of corruption by establishing sensible time periods for soliciting and accepting campaign contributions.

(d) To provide voters with ample and fair election information from which to make informed campaign decisions.

(e) To encourage fair representation of the governed.

(f) To nurture voter trust in the outcome of elections and confidence in the fairness of state government and the commitment of officeholders.

SECTION 4. Section 3513.5 is added to the Elections Code, to read:

3513.5. The proponent shall place at the top of each petition, in clearly visible font at least twice the size of any font on the petition, the following statement if the circulator is being paid to gather signatures: "THIS PETITION IS BEING CIRCULATED BY A PAID CIRCULATOR."

SECTION 5. Section 18521 of the Elections Code is amended to read:

18521. A person shall not directly or through any other person receive, agree, or contract for, before, during or after an election, any money, gift, loan, or other valuable consideration for campaign office, place, or employment for himself or any other person because he or any other person:

(a) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for any particular person or measure.

(b) Remained away from the polls.

(c) Refrained or agreed to refrain from voting.

(d) Voted or agreed to vote.

(e) Induced any other person to:

(1) Remain away from the polls.

(2) Refrain from voting.

(3) Vote or refrain from voting for any particular person or measure.

(4) Vote or agree to vote.

Any person violating this section is punishable by imprisonment in the state prison for 16 months or two or three years.

SECTION 6. Section 20300 of the Elections Code is repealed.

SECOND. Upon leaving any elective office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, surplus campaign funds raised prior to January 1, 1989, under the control of the former candidate or officeholder or his or her controlled committee shall be used or held only for the following purposes:

(a) (1) The repayment of personal or committee loans or other obligations if there is a reasonable relationship to a political, legislative, or governmental activity.

(2) For purposes of this subdivision, the reimbursement to the state of the costs of installing and monitoring an electronic security system in the candidate's or office's, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed to have a reasonable relationship to a political, legislative, or governmental activity, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported.

(b) The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and phone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars (5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made pursuant to this subdivision shall be made during the two years immediately following the date upon which the campaign funds became surplus.
campaign funds. The candidate or elected officer shall reimburse the surplus campaign fund account for the fair market value of the security system no later than two years immediately following the date upon which the campaign funds become surplus campaign funds, upon sale of the property, or prior to the closing of the surplus campaign fund account, whichever comes first. The electronic security system shall be the property of the campaign committee of the candidate or elected officer.

(b) The payment of outstanding campaign expenses.

(c) Contributions to any candidate, committee, or political party, except where otherwise prohibited by law.

(d) The pro rata repayment of contributors.

(e) Donations, religious, scientific, educational, social welfare, civic, or fraternal organization no part of the net earnings of which inures to the benefit of any private shareholder or individual or to any charitable or nonprofit organization which is exempt from taxation under subsection (c) of Section 501 of the Internal Revenue Code or Section 23701n, 23701p, or 23701s of the Revenue and Taxation Code.

(f) Except where otherwise prohibited by law, held in a segregated fund for future political campaigns, not to be expended except for political activity reasonably related to preparing for future candidacy for elective office.

SECTION 7. Section 82002.5 is added to the Government Code, to read:

82002.5. (a) "Advertisement" means any general or public communication that is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or ballot measures, including a television broadcast, a radio broadcast, a web site display, text placed in a newspaper or magazine of general circulation, a mass mailing, a sign larger than 1,000 square inches, or telephone messages that are similar in nature to those described, or which are certain to be treated when additional forms of media may be classified as advertisements under future regulations promulgated by the commission.

(b) "Advertisement" does not include a communication from an organization, other than a political party, reasonably restricted to its members, a campaign button smaller than 10 inches in diameter, a bumper sticker smaller than 60 square inches, a yard sign smaller than 1,000 square inches, pens, pins, articles of clothing, handbills not distributed by mail, or other communication as determined by the commission.

SECTION 8. Section 82013 of the Government Code is amended to read:

82013. "Committee" means any person or combination of persons who directly or indirectly does any of the following:

(a) Receives contributions totaling one thousand dollars ($1,000) or more in a calendar year.

(b) Makes independent expenditures totaling one thousand dollars ($1,000) or more in a calendar year; or

(c) Makes contributions totaling ten thousand dollars ($10,000) one hundred thousand dollars ($100,000) or more in a calendar year to or at the behavior of any one person or combination of persons whom one thousand dollars ($1,000) has been made during the period covered by the report, including the recipient's full name and street address, the number assigned to the recipient committee, if any, and a brief description of the consideration for which the expenditure was made.

(d) A candidate or committee subject to reporting pursuant to subdivisions (a) and (b) shall not be subject to the reporting requirements of Section 84203.

(2) If the report is related to a candidate, the full name of the candidate and the office and district for which the candidate seeks election. If the report is related to a ballot measure, the number or letter of the measure or, if none has yet been assigned, a brief description of the subject matter of the measure.

(3) The total amount of expenditures during the period covered.

(4) The amount of expenditures for each person to whom an expenditure of one thousand dollars ($1,000) or more in a calendar year to all state candidates and to committees that are required to file original campaign statements with the Secretary of State. The Secretary of State shall send a form listing the compiled contributions of each such contributor and request that the contributor file the statements.

(5) If a person or committee, under penalty of perjury, shall reply within 30 days, verifying, denying, or amending the compilation provided by the Secretary of State. A contributor that fails to respond in a timely manner shall be liable to the person or committee for the amount required.

(6) If a candidate or committee, under penalty of perjury, shall reply within 30 days, verifying, denying, or amending the compilation provided by the Secretary of State. A candidate or committee that fails to respond in a timely manner shall be liable to the person or committee for the amount required.

(3) No slate mailer organization or committee primarily formed to support or oppose one or more ballot measures shall send a slate mailer unless:

(1) The name, street address, and city of the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures are shown on the outside of each piece of slate mail and on every insert included with each piece of slate mail in no...
less than 8-point roman type font which shall be in a color or print which contrasts with the background so as to be easily legible. A post office box may be stated in lieu of a street address if the organization's street address of the slate mailer organization or the committee primarily formed to support or oppose one or more ballot measures is a matter of public record with the Secretary of State's Political Reform Division.

(2) At the top of each side or surface of a slate mailer or at the top of each side or surface of a postcard or other self-mailer, there is a notice in at least 8-point roman boldface type font, which shall be in a color or print which contrasts with the background so as to be easily legible, and in a printed or drawn box and set apart from any other printed matter. The statement "THIS IS A PAID POLITICAL ADVERTISEMENT" shall be printed in a font at least one point larger than any other font on the page, and the remainder of the notice shall be printed in 8-point size font. The notice shall consist of the following statement:

NOTICE TO VOTERS
THIS IS A PAID POLITICAL ADVERTISEMENT

(3) Any reference to a ballot measure that has paid to be included on the slate mailer shall also comply with the provisions of Section 84503 et seq.

(4) Each candidate and each ballot measure that has paid to appear in the slate mailer is designated by $$$ the notice "PAID" next to and clearly associated with the candidate or ballot measure. Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by $$$ the notice. The $$$ designation notice shall be of the same type size, type style, color or contrast, printed in boldface and at least the same font size and legibility as is used for the name of the candidate or the ballot measure name or number and position on the ballot measure in which the designation appears in the slate of candidates and measures. If there is no slate listing, the designation shall appear at least once in at least 8-point boldface type, immediately following the name of the candidate, or the notice of the position or advocate of the ballot measure in boldface and at least the same font size as any other font relating to that candidate or ballot measure.

(5) The name of any candidate appearing in the slate mailer who is a member of a political party shall be listed in the ballot pamphlet in Section 88001, and in the sample ballot in Section 13307 of the Elections Code, the Elections Code, the top five contributors, if any, of twenty-five thousand dollars ($25,000) or more, to the slate mailer organization or committee primarily formed to support or oppose a state or local ballot measure or candidate, and who is paid or promised payment of five thousand dollars ($5,000) or more for that individual, or an organization controlled by the individual, from said campaign committee or committees for or against the slate mailer organization or committee primarily formed to support or oppose a state ballot measure shall be included in the ballot mailer in a manner determined by the commission, together with the aggregate amount of contributions made by those contributors. For the purposes of determining the two contributors to be disclosed, in the case of bank or corporate contributions, the contributions of the two persons, other than individuals, making the largest contributions shall be aggregated. In the event that more than two contributors meet this disclosure threshold at identical contribution levels, the first contributor and second highest shall be selected according to the chronological order of the contributions.

(6) If there are more than two donors whose disclosure is required under subdivision (a), the committee shall disclose only the highest and second highest in that order. In the event that more than two donors meet this disclosure threshold at identical contribution levels, the highest and second highest shall be selected according to the chronological order of the contributions.

(7) If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio or broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated. The contributor making the independent expenditure shall be disclosed if there are more than two donors whose disclosure is required.

(8) If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio or broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated. The contributor making the independent expenditure shall be disclosed if there are more than two donors whose disclosure is required.

(9) If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio or broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated. The contributor making the independent expenditure shall be disclosed if there are more than two donors whose disclosure is required.

(10) If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio or broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated. The contributor making the independent expenditure shall be disclosed if there are more than two donors whose disclosure is required.

(11) If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio or broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated. The contributor making the independent expenditure shall be disclosed if there are more than two donors whose disclosure is required.

(12) If an acronym is used to specify any committee names in this section, the names of any sponsoring organization of the committee shall be prominently displayed on televised or printed advertisements or spoken in radio or broadcast or phone message advertisements. For the purposes of determining the two contributors to be disclosed, the contributions of each person to the committee making the independent expenditure during the one-year period before the election shall be aggregated. The contributor making the independent expenditure shall be disclosed if there are more than two donors whose disclosure is required.
Text of Proposed Laws—Continued

material, or spoken in a clearly audible format if the advertisement is a radio broadcast or phone message.

84510. (a) In addition to the remedies provided for in Chapter 4.7 (commencing with Section 84700) of this law, any person who violates this section shall be liable in a civil or administrative action brought by the commission, or any person pursuant to the procedures set forth in Section 84707, for a fine of not less than for each violation. In the event of a violation of Section 84702 of this section, the amount of the advertisement, including placement costs, contributions, or expenditures, shall be made available on the Secretary of State's web site within 24 hours of its release on the airwaves. The digital copy of each such broadcast advertisement shall be provided in a standard, dynamic multimedia format. The transmission of the advertisement required by this section shall be made online or through CD-ROM, diskette, or other electronic means according to procedures and formats determined by the Secretary of State.

(b) The remedies provided in subdivision (a) shall also apply to any person who purposely causes any other person to violate any provision of this act, or who alters or subverts the data.

(c) If a judgment is entered against the defendant or defendants in an action brought under this section, the plaintiff shall receive 50 percent of the amount recovered. The remaining 50 percent shall be deposited in the General Fund of the State. In an action brought by a local public agency to recover reasonable costs incurred in the account of the agency arising from bringing the action and 50 percent shall be paid to the general fund of the applicable jurisdiction.

84511. In addition to any reporting and disclosure requirements applicable to local candidates and committees, candidates and committees campaigning for or against a candidate or candidates or ballot measure or ballot measures in a local election, who raise or spend one hundred thousand dollars ($100,000) or more in any single election held after January 1, 2002, or raise or spend fifty thousand dollars ($50,000) or more in any single election held after January 1, 2003, shall be subject to the reporting and disclosure requirements of this chapter. The Secretary of State shall establish and maintain a campaign web site on computer networks which includes a grid for each state candidate and state ballot measure, and provide links to the online web sites for all local candidates covered under Section 84511.

SECTION 15. Chapter 4.7 (commencing with Section 84700) is added to Title 9 of the Government Code, to read:

CHAPTER 4.7. ACCESS TO CAMPAIGN MATERIALS

SEC. 84700. This chapter shall be known and may be cited as the Access to Campaign Materials Act of 2000.

SEC. 84701. (a) The Secretary of State, notwithstanding any other provision of law, shall establish and maintain a campaign web site on the largest nonprofit, nonprofit cooperative public network of computer networks which includes a grid for each state candidate and each state ballot measure from the time the candidate files the statement of intenders, and each state candidate and state ballot measure apply for title and summary pursuant to a qualifying drive. The Secretary of State shall establish and maintain similar campaign web sites for all local candidates covered under Section 84511.

(b) The campaign web site shall contain all registration information for each state candidate committee and state ballot measure committee as filed with the Secretary of State, and provide links to the online disclosure network of campaign contributions and expenditures specified in Sections 84100 and 84203 as well as links to private campaign web sites managed by campaign committees, when available.

(c) The campaign web site shall also contain dynamic, multimedia copies of all campaign advertisements authorized by state campaign committees that are received and processed by the Secretary of State pursuant to Section 84702.

(d) All data on the campaign web site shall be available to the public within 24 hours of releasing telecommunications technology, which assures convenient public access, including dynamic multimedia access when feasible, and preserves the integrity of the data against efforts to tamper with or subvert the data.

(e) All contributions and expenditure data required by this act to be filed shall be made available on the Secretary of State's web site within 24 hours in a form that is sortable by donor, city, state, ZIP Code, amount, date, employer, occupation, and other information determined by the Secretary of State.

SEC. 84702. (a) A digital copy of any television, radio, or other electronically distributed campaign advertisement, authorized by the official campaign committee of each state candidate and state ballot measure, or any other person in a violation of this section shall be made available on the Secretary of State's web site within 24 hours of its release on the airwaves. The digital copy of each such broadcast advertisement shall be provided in a standard, dynamic multimedia format.

(b) A digital copy of any essentially similar printed campaign advertisement, authorized by the campaign committee of each state candidate and state ballot measure, which has been mailed to or otherwise distributed to at least 10,000 persons, shall be filed with the Secretary of State within 24 hours of its mailing or distribution.

(c) A digital copy of any telephone message, authorized by the campaign committee of each state candidate and state ballot measure, which is provided in an essentially similar nature to 2,000 or more persons shall be filed with the Secretary of State within 24 hours after its initial use, in a standard, dynamic multimedia format. The Secretary of State shall establish and maintain a campaign web site on computer networks which includes a grid for each state candidate and state ballot measure, for inclusion on the campaign web site in accordance with the requirements of this chapter for campaign committees.

SEC. 84704. There is hereby appropriated from the General Fund of the State to the Secretary of State the sum of one million five hundred thousand dollars ($1,500,000) for the first fiscal year and seven hundred fifty thousand dollars ($750,000) in each subsequent fiscal year, adjusted for the cost-of-living changes, for expenditures related to the full and expedited implementation of this chapter, above and beyond any sum that is appropriated for operations of the Secretary of State other than for the implementation of this chapter. The first fiscal year's appropriation shall be made available to the Secretary of State within 60 days of the election at which this measure is approved, and such expenditures shall not be budgeted for the next fiscal year. The appropriation shall be increased by the Legislature to the extent necessary to fully and effectively implement the provisions of this chapter.

SECTION 16. Section 85100 of the Government Code is repealed. (a) This chapter shall be known as the California Political Reform Act of 1996.

(b) No person, other than political party committees, shall contribute to any state candidate or state ballot measure committee, or for the purpose of seeking office, money or any other contribution or expenditure, for a first election or any other election, totaling more than five thousand dollars ($5,000) for each election in which the candidate is attempting to be on the ballot, is on the ballot, or is a write-in candidate, and ten thousand dollars ($10,000) or more in any single election. In the event of a violation of Section 84702 of this act, the information shall be sent to the appropriate local filing officer. However, if the filing officer lacks the technological capability of receiving or making any of the information to be disclosed in the manner contemplated by this act, then the information shall be sent to the Secretary of State. The person who receives and discloses the information to the Secretary of State who shall receive and make the information available in the same manner as is done with respect to state candidates and state ballot measures.

SECTION 20. Section 85300 of the Government Code is amended to read:

85300. No public officer shall expend and no candidate shall accept any public money for the purpose of seeking elective office.

SECTION 20. Section 85300 is added to the Government Code, to read:

85300. No public officer shall expend and no candidate shall accept any public money for the purpose of seeking elective office.

85301. (a) Except as provided in subdivision (a) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate’s controlled committee campaigning for office in districts of less than 100,000 residents, and no such candidate or the candidate’s controlled committee shall accept from any person a contribution or contributions totaling more than one hundred dollars ($100) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) Except as provided in subdivision (b) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate’s controlled committee campaigning for office in districts of 100,000 or more residents, and no such candidate or the candidate’s controlled committee shall accept from any person a contribution or contributions totaling more than five hundred dollars ($500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) Except as provided in subdivision (c) of Section 85402, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate’s controlled committee for statewide office, and no such candidate or the candidate’s controlled committee shall accept from any such person a contribution or contributions totaling more than five hundred dollars ($500) per calendar year. This subdivision shall not apply to contributions from a contributor committee, a contribution or contributions totaling more than five hundred dollars ($500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(d) No person shall make to any committee that contributes to any candidate or the candidate’s controlled committee, a contribution or contributions totaling more than five hundred dollars ($500) per calendar year. This subdivision shall not apply to contributions from a contributor committee.

(e) The provisions of this section shall not apply to a candidate’s contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.

SECTION 22. Section 85301 is added to the Government Code, to read:

85301. No person shall give in the aggregate to political party committees of the same political party, and no such party committees combined shall accept from any person a contribution or contributions totaling more than twenty-five thousand dollars ($25,000) per calendar year to be used for the purpose of promoting the support or defeat of any specific candidate, transfers to candidates or their controlled committees, or any expenditure on advertising through electronic media, except that a candidate may distribute a portion of any surplus, residual or unexpended campaign funds to a political party committee. This section shall not apply to a committee established by a political party committee for the exclusive purpose of supporting or opposing a ballot measure provided that the committee established is not controlled by a candidate or an elected official.

SECTION 23. Section 85302 of the Government Code is repealed.

85302. No contributor committee shall make to any candidate or the controlled committee of such a candidate, and no such candidate or the candidate’s controlled committee shall accept from any small contributor committee, a contribution or contributions totaling more than ten thousand dollars ($10,000) per calendar year to be used for the purpose of promoting the support or defeat of any specific candidate, transfers to candidates or their controlled committees, or any expenditure on advertising through electronic media, except that a candidate may distribute a portion of any surplus, residual or unexpended campaign funds to a political party committee. This section shall not apply to a committee established by a political party committee for the exclusive purpose of supporting or opposing a ballot measure provided that the committee established is not controlled by a candidate or an elected official.

SECTION 24. Section 85302 is added to the Government Code, to read:

85302. No more than 25 percent of the voluntary spending limits specified in this act at the time of adoption by the voters, subject to cost-of-living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate.

SECTION 25. Section 85303 of the Government Code is repealed.

85303. (a) No candidate or the candidate’s controlled committee for statewide office shall accept contributions prior to 12 months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) No candidate or the candidate’s controlled committee for state office, other than statewide office, shall accept contributions prior to six months preceding any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) Notwithstanding subdivisions (a) and (b), candidates or their controlled committees may accept contributions at any time up to the close of filing of nominating petitions, subject to the cumulative limits as specified in Section 85706, or pay out of their own pockets up to fifty thousand dollars ($50,000) per year to pay for legal expenses or campaign reporting expenses. Such expenditures shall not count against the voluntary spending limits.

(d) No candidate or the controlled committee of such candidate for statewide office shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after the date of withdrawal, defeat, or election to office shall be considered funds owed to the candidate or the controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the voluntary spending limits or the cumulative limits as specified in Section 85706, or for a recount or contest of the validity of an election, or for any expense associated with an external audit or unresolved tax liability of the campaign by the candidate or the candidate’s controlled committee. This act shall fund the collected pursuant to the contribution limits of this act.

(e) Contributions pursuant to subdivisions (c), (d) and (e) shall be considered contributions for the election in which the debts, fines, assessments, court costs, court taxes, or penalties were incurred and shall be subject to the contribution limits of this act.

SECTION 26. Section 85303 is added to the Government Code, to read:

85303. No candidate, committee controlled by a candidate or officeholder, or ballot measure committee shall make any contribution to any other candidate running for office or his or her controlled committee or another ballot measure committee. This section shall not apply to a candidate or proponent or opponent from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office or ballot measure campaign.

SECTION 27. Section 85304 of the Government Code is repealed.

85304. No more than 25 percent of the recommended expenditure limits specified in this act at the time of adoption by the voters, subject to cost-of-living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate. This act shall not apply to contributions from a contributor committee, a contribution or contributions totaling more than five hundred dollars ($500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

SECTION 28. Section 85304 is added to the Government Code, to read:

85304. No candidate, committee controlled by a candidate or officeholder, or ballot measure committee shall make any contribution to any other candidate running for office or his or her controlled committee or another ballot measure committee. This section shall not apply to a candidate or proponent or opponent from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office or ballot measure campaign.

SECTION 29. Section 85305 of the Government Code is repealed.

85305. (a) In districts of fewer than 1,000,000 residents, no candidate or the candidate’s controlled committee shall accept contributions more than 12 months prior to any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(b) In districts of 1,000,000 residents or more and for statewide elective office, no candidate or the candidate’s controlled committee shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after the date of withdrawal, defeat, or election to office shall be considered funds owed to the candidate or the controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits specified in Article 3 (commencing with Section 85300) of this act at the time of adoption by the voters, subject to cost-of-living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate. This act shall not apply to contributions from a contributor committee, a contribution or contributions totaling more than five hundred dollars ($500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(c) No candidate or the controlled committee of such candidate shall accept contributions more than 12 months prior to any primary or special primary election in which the candidate is attempting to be on the ballot or is a write-in candidate.

(d) No candidate or the controlled committee of such candidate shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after the date of withdrawal, defeat, or election to office shall be considered funds owed to the candidate or the controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits specified in Article 3 (commencing with Section 85300) of this act at the time of adoption by the voters, subject to cost-of-living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate. This act shall not apply to contributions from a contributor committee, a contribution or contributions totaling more than five hundred dollars ($500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.
Text of Proposed Laws—Continued

SECTION 30. Section 85305 is added to the Government Code, to read:

85305. Any campaign contribution to a candidate or candidates controlled committee made after the election at which the measure adding this section is approved, and prior to the permissible fundraising period for each elective office set forth in Section 8330, shall not be used to support or oppose the election of any candidate for such elective office held after this election.

SECTION 31. Section 85306 of the Government Code is repealed.

SECTION 32. Section 85306 is added to the Government Code, to read:

85306. No candidate and no committee controlled by a candidate or officeholder, other than a political party committee, shall make any contribution to any other candidate running for office or his or her controlled committee. This section shall not prohibit a candidate from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office.

SECTION 33. Section 85307 of the Government Code is repealed.

SECTION 34. Section 85307 is added to the Government Code, to read:

85307. (a) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to all contribution limitations.

(b) No candidate shall personally make outstanding loans to his or her campaign or campaign committee that total at any one point in time more than twenty thousand dollars ($20,000) in the case of any candidate except for candidates for Governor, or one hundred thousand dollars ($100,000) in the case of candidates for Governor. Nothing in this act shall prohibit a candidate from making unlimited contributions to his or her campaign.

SECTION 35. Section 85308 is added to the Government Code, to read:

85308. No person shall contribute in the aggregate more than fifty thousand dollars ($50,000) to all state candidates and the state candidates’ controlled committees per election. Contributions from political parties shall be exempt from this provision.

SECTION 36. Section 85309 is added to the Government Code, to read:

85309. All payments made by a person established, financed, maintained, or controlled by any business entity, labor organization, association, political party, or any other person or group of such persons shall be considered to be made by a single person.

SECTION 37. Section 85310 is added to the Government Code, to read:

85310. A for-profit corporation or joint stock company shall not make direct contributions from general treasury funds to candidates or to committees primarily formed to support or oppose a candidate or candidates.

SECTION 38. Section 85311 is added to the Government Code, to read:

85311. Notwithstanding Section 85309, the costs of internal communications to members, employees, or shareholders of an organization or group of such persons or any other person or group of such persons shall be exempt from the limitation on the number of contributions from such persons provided in Section 85309.

SECTION 39. Section 85312 is added to the Government Code, to read:

85312. Any committee that accepts a contribution that is not from the contributors listed on the check or subsequent campaign disclosure statements shall be liable to pay to the state the entire amount of the laundered contribution. The liability imposed by this section shall extend to any committee controlled by a candidate or elected official, whether the committee was organized before or after the laundered contribution was accepted, if the controlling candidate or elected official controlled the committee that received the laundered contribution. The statute of limitations shall not apply to this provision, and repayments to the state shall be made as long as the committee has any funds sufficient to pay the state.

SECTION 40. Section 85313 is added to the Government Code, to read:

85313. The cost of any advertisement in support of or in opposition to a ballot measure that is paid for by a candidate controlled by a candidate appearing on the same ballot as the ballot measure, and who is prominently featured in the advertisement, shall be deemed an in-kind contribution from the candidate and the contribution shall be subject to the limitations of Section 83300. The commission shall draft appropriate regulations to implement the purposes of this section.

SECTION 41. Article 4 (commencing with Section 84001) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 4. Campaign Spending Limits and Public Support

84001. (a) Each candidate for state office shall file a statement of acceptance or rejection of the voluntary spending limits prescribed in Section 85401 upon filing the statement of intention pursuant to Section 85200. A candidate who wishes to retain the option of contributing personal funds to his or her own campaign in excess of one-half of the voluntary spending limits must file a statement so indicating at this time.

(b) Each state ballot initiative committee shall file a statement of acceptance or rejection of the voluntary spending limits prescribed in Section 85401 within 30 days of applying for title and summary for a ballot initiative or making contributions or making expenditures of one thousand dollars ($1,000) or more either for or against a ballot initiative for other persons.

(c) Any candidate or committee that neglects to file the statement indicating acceptance of the voluntary spending limits by the appropriate date shall be assumed to have rejected the voluntary spending limits.

(d) Any violation of the pledge to abide by the voluntary spending limits shall be subject to a fine of five thousand dollars ($5,000) or three times the amount of expenditures in excess of the spending limits, whichever is greater.

85401. (a) No candidate for state office, and no proponent or opponent of a state ballot initiative, who voluntarily accepts spending limits and any controlled committee of such a candidate or proponent or opponent, shall make campaign expenditures above the following amounts:

(1) For an Assembly candidate, three hundred thousand dollars ($300,000) in the primary or special primary election and four hundred thousand dollars ($400,000) in the general, special, or special runoff election.

(2) For a Senate candidate or a candidate for the State Board of Equalization, five hundred thousand dollars ($500,000) in the primary or special primary election and eight hundred thousand dollars ($800,000) in the general, special, or special runoff election.

(3) For a statewide candidate, other than Governor, one million five hundred thousand dollars ($1,500,000) in the primary election and two million dollars ($2,000,000) in the general, special, or special runoff election. Expenditures for postage for a statewide candidate, other than postage for slate mailers, shall be exempt from the spending limits.

(4) For Governor, six million dollars ($6,000,000) in the primary election and ten million dollars ($10,000,000) in the general, special, or special runoff election. Expenditures for postage for a gubernatorial candidate, other than postage for slate mailers, shall be exempt from the spending limits.

(5) For a state ballot initiative, six million dollars ($6,000,000) per candidate. Expenditures for postage for a statewide initiative other than postage for slate mailers, shall be exempt from the spending limits. Direct expenditures for signature-gathering purposes by an initiative proponent committee prior to the submission of the qualifying signatures shall also be exempt from the spending limits.

(b) Candidates and committees who accept the voluntary spending limits also agree to accept no more than one hundred thousand dollars ($100,000) or 10 percent of their voluntary spending limit other amounts, whichever is greater, from any single donor other than committees of a political party.
(c) Any candidate or committee who declines to accept the voluntary spending limits upon the filing deadline shall not be eligible to receive the benefits accompanying such an agreement specified in this act.

85402. For purposes of the spending limits for candidates, campaign expenditure by a committee or a candidate, and the aggregate spend in support or opposition to a state candidate or ballot measure shall be computed as the sum of all expenditures for that election campaign or for expenses specified in subdivision (d) of Section 85305, or the voter information packet program specified in Section 85503, and the aggregate amount or may waive the disclosure requirement. In no event shall a discretionary either disclose that it has spent less than the disclosure estimate of expenditures would round to zero, the campaign may at its for that office or campaign, whichever is greater. In the event that the spending limits of this act. The commission shall prescribe by

85402. The Secretary of State and local elections shall promptly designate in the ballot pamphlet, the sample ballot, and the voter information packet those candidates and proponents and opponents of state initiative measures who have voluntarily agreed to the spending limits of this act. The commission shall prescribe by regulation the method or methods of that designation.

(b) In addition to the disclosure requirements for campaign advertisements specified in Section 84503, candidates and ballot initiative committees shall disclose in each electronic media advertisement or telephone solicitation campaign purposes on behalf of the candidacy of the

(c) The total payments from the campaign advertising media credits by the designated candidate or opponent and their controlled committees, when added to the total campaign expenditures by such candidate or opponent and their controlled committees, shall not exceed the amount that may be expended by those persons pursuant to this act.

(d) Only the campaign committee so designated by the official proponents of an initiative campaign shall be eligible for media credits. Only campaign committees opposing a ballot initiative shall be awarded matching fund media credits on a first-come, first-served basis, up to the aggregate limit of one million dollars ($1,000,000) in media credits for all such opposition committees. Only campaign committees that limit their expenditures to supporting or opposing a single ballot measure shall be eligible for media credits.

85502. Campaign broadcast media credits shall be used exclusively to finance the purchase of advertising time on television, radio, or other electronic media by the commission for campaign purposes on behalf of the candidacy of the

85503. (a) The campaign advertising media credit program shall be funded by the General Fund of the State.

(b) The commission shall promulgate regulations for the administration of issuing media credits for use by candidates or committees and may not exceed the amount that a candidate or committee has contributed to the campaign advertising media credit program in excess of contributions equal to the first one hundred dollars ($100) or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of ten dollars ($10) in media credits for each dollar received.

(2) For any dollar amount of a contribution or contributions amounting in excess of one million dollars ($1,000,000) up to the first one hundred thousand dollars ($100,000) or less from a contributor received after a declaration of accepting spending limits is filed, a matching ratio of two dollars ($2) in media credits for each dollar received.

(c) The total payments from the campaign advertising media credits by the designated candidate or opponent and their controlled committees, when added to the total campaign expenditures by such candidate or opponent and their controlled committees, shall not exceed the amount that may be expended by those persons pursuant to this act.

Text of Proposed Laws—Continued
Section 88100, shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is declared a "major candidate" eligible for public funding assistance pursuant to this act upon submitting qualification petitions to the county registrars with valid signatures of registered voters amounting to:

(1) For office of Governor, 10 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

(2) For other statewide office, 3 percent of the number of valid signatures required to qualify an initiative constitutional amendment for the state ballot.

(3) For the offices of State Senate and State Board of Equalization, 2,500 valid signatures.

(b) For the office of State Assembly, 1,000 valid signatures.

(c) No candidate shall be eligible for public funding who has submitted a declaration of candidacy to the Secretary of State for the same office if the candidate had submitted a declaration of candidacy to the Secretary of State for the same office in the preceding primary or special primary election.

(d) Verification of qualification petition signatures shall be conducted by county election officials in accordance with signature verification procedures established for state initiative measures to be paid for from the General Fund of the State.

85601. General, special, and special runoff election candidates eligible to participate in the campaign advertising media credit program specified in Article 5 (commencing with Section 85500) or the voter information packet program specified in Section 88100 shall be certified by the Secretary of State according to the following criteria:

(a) A candidate is a "major candidate" eligible for all of the benefits of the public funding programs if the candidate received at least 12 percent of votes cast for that office in the preceding primary or special primary election.

(b) A candidate is eligible for 20 percent of the total value of the campaign advertising media credit program specified in Section 85500 if that candidate received at least 32 percent of total votes cast in the preceding primary or special primary election.

(c) A candidate is eligible for the total public funding benefits of the voter information packet program specified in Section 88100.

(d) A candidate is eligible for the total public funding benefits of the voter information packet program specified in Section 88100 if that candidate received at least 2 percent of total votes cast in the preceding primary or special primary election. Such candidate shall be eligible for the total public funding benefits of the voter information packet program specified in Section 88100.

(e) Certification of the initiative for the next statewide ballot.

(f) The costs for major candidates and qualified proponents and opponents of state initiative measures as specified in Section 85600, voluntarily complying with the spending limits set forth in this act, shall be paid for from the General Fund of the State.

(g) Candidates and proponents and opponents of state initiative measures and their controlled committees not choosing to limit their campaign expenditures in accordance with this act, and state candidates and proponents and opponents of state initiative measures, otherwise not eligible for public funding, may also submit an insert for publication and distribution with the voter information packet, but shall be charged the pro rata costs of printing, handling, and mailing of the packets. The pro rata costs shall be calculated among those candidates and committees submitting inserts but not participating in, or otherwise ineligible for, public funding as provided in this act, but to not exceed 10 percent of the total cost of preparing, printing, handling, and mailing the voter information packets for the campaign.

SECTION 47. Section 89001 of the Government Code is amended to read:

"89001. No newsletter or other mass mailing, other than official election materials established by the Political Reform Act of 1974, as amended, and the California Voters Bill of Rights, shall be sent at public expense.

SECTION 48. Appropriations

(a) The Legislature shall make the necessary appropriations to finance the requirements of this act each fiscal year that this act remains in effect.

(b) There is hereby appropriated from the General Fund of the State to the Fair Political Practices Commission the sum of one million dollars ($1,000,000) annually above and beyond the appropriations established for the commission in the fiscal year immediately prior to the effective date of this act, adjusted for cost-of-living changes, for expenditures to support the operations of the commission pursuant to this act.

SECTION 49. Construction

This act shall be liberally construed to accomplish its purposes.

SECTION 50. Applicability of Other Laws

Nothing in this law shall exempt any person from applicable provisions of any other laws of this state.
This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends the California Constitution and the Education Code, and makes existing provisions proposed to be deleted applicable to the provisions of Section 8 of Article II of the California Constitution.

The California Constitution shall, to the fullest extent possible, reform any provisions of this initiative that it, or any federal court, determines to be unconstitutional or contrary to any superseding provision of law in order that such provisions carry out the purposes of the initiative.

The proponents of this initiative shall be included among any persons or circumstances, shall be held invalid, the remainder of this law to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this law are severable.

This act shall be known as the Majority Rule Act for Smaller Classes, Safer Schools, and Financial Accountability.

THE MAJORITY RULE ACT FOR SMALLER CLASSES, SAFER SCHOOLS, AND FINANCIAL ACCOUNTABILITY

SEC. 1. TITLE
This act shall be known as the Majority Rule Act for Smaller Classes, Safer Schools, and Financial Accountability.

SEC. 2. FINDINGS AND DECLARATIONS
The people of the State of California find and declare as follows:

(a) Investing in education is crucial if we are to prepare our children for the 21st century.
(b) We need to make sure our children have access to the learning tools of the 21st century like computers and the Internet, but most California classrooms do not have access to these technologies.
(c) We need to build new classrooms to facilitate class size reduction, so our children can learn basic skills like reading and mathematics in an environment that ensures that California's commitment to class size reduction does not become an empty promise.
(d) We need to repair and rebuild our dilapidated schools to ensure that our children learn in a safe and secure environment.
(e) Students in public charter schools should be entitled to reasonable access to a safe and secure learning environment.
(f) We must give parents the ability to build those classrooms by majority vote local elections so each community can decide what is best for its children.
(g) We need to ensure accountability so that funds are spent prudently and only as directed by citizens of the community.

SEC. 3. PURPOSE AND INTENT
In order to prepare our children for the 21st century, to implement class size reduction, to ensure that our children learn in a secure and safe environment, and to ensure that school districts are accountable to prudent and responsible spending for school facilities, the people of the State of California do hereby enact the Majority Rule Act for Smaller Classes, Safer Schools, and Financial Accountability. This measure is intended to accomplish its purposes by amending the California Constitution and the Education Code:

(a) To provide an exception to the limitation on ad valorem property taxes and the two-thirds vote requirement to allow school districts, community college districts, and county offices of education to provide our schools for the 21st century, to provide our children with smaller classes, and to ensure our children's safety by repairing, building, furnishing, and equipping school facilities;
(b) To require school district boards, community college boards, and county offices of education to evaluate safety, class size reduction, and information technology needs in developing a list of specific projects to present to the voters;
(c) To ensure that before they vote, voters will be given a list of specific projects their bond money will be used for;
(d) To require an annual, independent financial audit of the proceeds from the sale of the school facilities bonds until all of the proceeds have been expended for the specified school facilities projects, and
(e) To ensure that the proceeds from the sale of school facilities bonds are used for specified school facilities projects only, and not for teacher and administrator salaries and other school operating expenses, by requiring an annual, independent performance audit to ensure that the funds have been expended on specific projects only.

SEC. 4. Section 1 of Article XIII A of the California Constitution is amended to read:

(a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.
(b) The limitation provided in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on (A) any indebtedness of the following:
(1) Indebtedness approved by the voters prior to July 1, 1976, or (2) any bonds.
(2) Bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.
(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the purchase of real property for school facilities approved by a majority of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall only apply if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:
(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in this paragraph, and not for any other purposes including teacher and administrator salaries and other school operating expenses.
(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has conducted an annual, independent financial audit to ensure that the funds have been expended only on the specific projects listed.
(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.
(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.
(E) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.
(F) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.
(G) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

SEC. 5. Section 18 of Article XVI of the California Constitution is amended to read:

18. (a) No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability, in any manner or for any purpose, exceeding in any year the income and revenue provided for such year, without the consent of the qualified electors thereof, voters of the public entity voting at an election to hold that purpose, except provided that with respect to any such purpose, the provisions of subdivision (b) shall apply to any general obligation bonds for the purpose of paying the debt service on the general obligation bonds for any such purpose, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of paying the debt service on the general obligation bonds for any such purpose, any proposition for the incurrence of indebtedness shall be placed upon the ballot of a majority of the qualified electors of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness the proposition shall be made for the collection of an annual tax sufficient to pay the interest on such the indebtedness as it falls due, and also provision to
constitute for a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty 40 years from the time of contracting the same, provided, however, anything to the contrary herein notwithstanding, when indebtedness.

(b) After the effective date of the measure adding this subdivision, in the case of any school district, community college district, or county office of education, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, replacement of school facilities, including the furnishing and equipping of school facilities, the acquisition or lease of real property for school facilities, shall be adopted upon the approval of a majority of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A.

c. When two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when three- or a majority of the qualified registered voters, as the case may be, voting on any one of such those propositions, vote in favor thereof, such the proposition shall be deemed adopted.

SEC. 6. Section 47614 of the Elections Code is amended to read:

47614. A school district in which a charter school operates shall permit a charter school to use, at no charge, facilities not currently being used by the school district for instructional or administrative purposes. Any revenues generated by the rental of facilities to the charter school shall be used for the general education of the school district. Each charter school shall be responsible for reasonable maintenance of those facilities. (a) The intent of the people in amending this section is that public school facilities should be shared fairly among all public school pupils, including those in charter schools.

(b) Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

1. The school district may charge the charter school a pro rata share (based on the ratio of space allocated by the school district to the charter school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students. The charter school shall be responsible for reasonable maintenance of those facilities.

(1) The school district may charge the charter school a pro rata share (based on the ratio of space allocated by the school district to the charter school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students.

(2) Each year, each charter school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the charter school’s average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the charter school for that following year based upon this projection. If the charter school, during that following year, surpasses its average daily classroom attendance by in-district students over that it projected, the charter school shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.

(3) Each school district’s responsibilities under this section shall take effect on J.July 1, 2003, or if the school district passes a school bond measure in the years 2000, 2001, or 2002, on the first day of July next following such passage.

(4) Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.

(5) The term “operating,” as used in this section, shall mean either currently providing public education to in-district students, or having identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.

(6) The State Department of Education shall propose, and the State Board of Education may adopt, regulations implementing this subdivision, including, but not limited to, defining the terms “average daily classroom attendance,” “conditions reasonably equivalent,” “in-district students,” and “facilities costs,” as well as defining the procedures and establishing timelines for the request for, reimbursement for, and provision of, facilities.

SEC. 7. CONFORMITY

The Legislature shall conform all applicable laws to this act. Until the Legislature has done so, any statutes that would be affected by this act shall be deemed to have been conform with the majority vote requirements of this act.

SEC. 8. SEVERABILITY

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable.

SEC. 9. AMENDMENT

Section 6 of this measure may be amended to further its purpose by a bill passed by a majority of the membership of both houses of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and the news media.

SEC. 10. LIBERAL CONSTRUCTION

The provisions of this act shall be liberally construed to effectuate its purposes.

Proposition 27: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution. This initiative measure adds a section to the Elections Code; therefore, new provisions proposed to be added are printed in italics.

Section 1. Title

This measure shall be known and may be cited as the “Congressional Term Limits Declaration Act of 1998.”

Section 2. Findings and Declarations of Purpose

(a) The State of California allows a candidate's political party affiliation and profession, vocation, or occupation to appear on the ballot.

(b) A candidate's party designation informs the people of certain basic choices a candidate will make with respect to the candidate's service in public office. Party designations are allowed because they help the people discern what kind of representative the candidate will make.

(c) Many candidates currently inform the people of how many terms of office they intend to serve, but in an unofficial and unaccountable way.

(d) A candidate's position on voluntarily limiting his or her service helps the people discern what kind of representative the candidate will make to the people of the State of California that they desire to enact the Congressional Term Limits Declaration Act of 1998.

Section 3. Voluntary Term Limits Declaration

Section 13107.5 is added to the Elections Code, to read:

13107.5. (a) Any person seeking to be elected to the United States Congress may submit to the Secretary of State, no later than 15 days prior to the certification of all congressional election ballots, an executed copy of any one of the following declarations but is not required to submit a declaration. If a candidate does not submit a declaration as described by this section, the Secretary of State may not, on that account, refuse to place his or her name on the official ballot.

Term Limits Declaration One

Part A: I, __________, voluntarily declare that, if elected, I will not serve in the United States [House of Representatives more than 3 terms] [Senate more than 2 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A  Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, __________, authorize and request the Secretary of State to place the applicable ballot designation, “Signed declaration to limit service to [3 terms] [2 terms]” or “Running for (1) term after declaring to limit service to no more than [3 terms] [2 terms]” next to my
name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration One refers.

Signature by candidate executes Part B Date

If the candidate chooses not to execute any or all parts of the above declaration, then he or she may execute and submit to the Secretary of State any or all parts of the following declaration:

Term Limits Declaration Two

Part A: I, , have voluntarily chosen not to sign Term Limits Declaration One. If I had signed this declaration, I would have voluntarily agreed to limit my service in the United States [House of Representatives to no more than 3 terms] [Senate to no more than 2 terms] after the effective date of the Congressional Term Limits Declaration Act of 1998.

Signature by candidate executes Part A Date

After executing Part A, a candidate may execute and submit the voluntary statement in Part B.

Part B: I, , authorize and request the Secretary of State to place the ballot designations, "Choos not to sign declaration to limit service to [3 terms] [2 terms]" next to my name on every election ballot and in all state-sponsored voter education material in which my name appears as a candidate for the office to which Term Limits Declaration Two refers.

Signature by candidate executes Part B Date

(b) In the ballot designations in this section, the Secretary of State shall incorporate the applicable language in brackets [ ] for the office the candidate seeks and shall calculate and put in place of the empty parentheses ( ) the number of the term of office that the candidate seeks after the effective date of this section. However, service prior to January 1, 1999 may not be included in the calculation, and the terms shall be calculated without regard to whether the terms were served consecutively.

(c) The Secretary of State shall allow any candidate who at any time has submitted an executed copy of Term Limits Declaration Two to submit an executed copy of Term Limits Declaration One in accordance with this section, at which time all subdivisions affecting Term Limits Declaration One shall apply.

Proposition 28: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds a section to the Health and Safety Code, and amends a section of the Revenue and Taxation Code; therefore, existing provisions proposed to be deleted are printed in italic type and new provisions proposed to be added are printed in italic type to indicate that they are new.

PROPOSED LAW

SECTION 1. Declaration of Findings and Purposes

(a) In November, 1998, Californians adopted Proposition 10 which, among other things, imposed more than a 135% increase in the tax on tobacco products.

(b) Funds derived from the increased tax are distributed to a new state commission and 58 county commissions creating an enormous bureaucracy. The initiative created new political appointees. This new bureaucracy is unnecessary because existing law provides mechanisms for local governments to fund children's programs, including a "Children's Trust Fund" which distributes both federal and state funds to counties for child abuse and neglect prevention and intervention programs.

(c) After the election, the office of the independent Legislative Analyst pointed out that neither the state Legislature nor the newly created state commission has any oversight or control over the expenditure of the nearly $700 million annually raised by the tax. Not only is there no accountability for the expenditure of taxpayer funds, but Proposition 10 does not identify existing and successful programs to be supplemented or expanded.

(d) The tax increase is extremely punitive and leveled against users of tobacco products, those least able to afford the massive tax increase. Yet, none of the funds raised by the tobacco tax are specifically dedicated to tobacco related education, prevention or research.

(e) The most critical problem facing our children is our failing public education system. Yet, not one penny of the $700 million in taxes collected each year from Proposition 10 will go to public schools. In fact, Proposition 10 prohibits any of the new tax revenue to be used for schools.

(f) Therefore, the voters of the state of California hereby repeal the tax increase imposed by Proposition 10 and the creation of an enormous new bureaucracy. At the same time, the voters encourage the Legislature to identify and fund effective programs that promote early childhood development from the prenatal stage to five years of age.

SECTION 2. Repeal of Proposition 10 Tobacco Tax

Section 30131.2 of the Revenue and Taxation Code is amended to read:

30131.2. (a) Except for in addition to the taxes imposed upon the distribution of cigarettes and tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121), and any other taxes in this chapter, there shall be imposed an additional tax upon every distributor of cigarettes and tobacco products, based on the wholesale cost of these products, at a rate of twenty-five mills ($0.025) for each cigarette distributed.

(b) In addition to the taxes imposed upon the distribution of tobacco products by Article 1 (commencing with Section 30101) and Article 2 (commencing with Section 30121), and any other taxes in this chapter, there shall be imposed an additional tax upon every distributor of cigarettes at the rate of twenty-five mills ($0.025) for each cigarette distributed.

SECTION 3. Repeal of New Bureaucracy Created by Proposition 10

30131.4 as it existed on January 1, 1999, and in the California Children and Families First Trust Fund shall be appropriated pursuant to Section 30131.4 until all such monies are depleted, at which point the California Children and Families First Trust Fund shall be terminated.

SECTION 4. Standing

The proponents of this initiative, as defined by Section 342 of the Elections Code, have standing to defend its provisions.

SECTION 5. Severability

If any part of Sections 1 to 4, inclusive, or their application to any person or circumstance is held invalid, the invalidity shall not affect other provisions, subdivisions or applications that reasonably can be given effect without the invalid provisions or application.
This law proposed by Senate Bill 287 of the 1997–98 Regular Session (Chapter 409, Statutes of 1998) is submitted to the people as a referendum in accordance with the provisions of Section 9 of Article II of the California Constitution. This proposed law adds sections to the Government Code; therefore, new provisions proposed to be added are printed in italic type to indicate that they are new.

**PROPOSED LAW**

**SECTION 1.** Section 12012.5 is added to the Government Code, to read:

12012.5. (a) The following tribal-state compacts entered in accordance with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:

3. The compact between the State of California and the Cher-Ae Heights Indian Community of Trinidad Rancheria, executed on July 13, 1998.
6. The compact between the State of California and the Paia Band of Mission Indians, as approved by the Secretary of the Interior on April 25, 1998.
10. The compact between the State of California and the Table Mountain Rancheria, executed on July 13, 1998.
11. The compact between the State of California and the Viejas Band of Kumeyaay Indians, executed on or about August 17, 1998.

The terms of each compact apply only to the State of California and the tribe that has signed it, and the terms of these compacts do not bind any tribe that is not a signatory to any of the compacts.

(b) Any other compact entered into between the State of California and any other federally recognized Indian tribe which is executed after August 24, 1998, is hereby ratified if (1) the compact is identical in all material respects to any of the compacts ratified pursuant to subdivision (a), and (2) the compact is not rejected by each house of the Legislature, two-thirds of the membership thereof concurring, within 30 days of the date of the submission of the compact to the Legislature by the Governor. However, if the 30-day period ends during a joint recess of the Legislature, the period shall be extended until the fifteenth day following the day on which the Legislature reconvenes. A compact will be deemed to be materially identical to a compact ratified pursuant to subdivision (a) if the Governor certifies that it is materially identical at the time he or she submits it to the Legislature.

(c) The Legislature acknowledges the right of federally recognized tribes to exercise their sovereignty to negotiate and enter into compacts with the state that are materially different from the compacts ratified pursuant to subdivision (a). These compacts shall be ratified upon approval of each house of the Legislature, a majority of the membership thereof concurring.

(d) The Governor is the designated state officer responsible for negotiating and executing, on behalf of the state, tribal-state gaming compacts with federally recognized Indian tribes in the State of California pursuant to the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class III gaming, as defined in that act, on Indian lands. Nothing in this section shall be construed to deny the existence of the Governor’s authority to have negotiated and executed tribal-state compacts prior to the effective date of this section.

(e) The Governor is authorized to waive the state’s immunity to suit in federal court in connection with any compact negotiated with an Indian tribe or any action brought by an Indian tribe under the Indian Gaming Regulatory Act (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.).

(f) In deference to tribal sovereignty, the execution of, and compliance with the terms of, any compact specified under subdivision (a) or (b) shall not be deemed to constitute a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(g) Nothing in this section shall be construed to authorize the unilateral imposition of a statewide limit on the number of lottery devices or of any allocation system for lottery devices on any Indian tribe that has not entered into a compact that provides for such a limit or allocation system. Each tribe may negotiate separately with the state over these matters on a government-to-government basis.

**SECTION 4.** Severability

If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.