

**Assembly Bill No. 57**

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Passed the Assembly    September 13, 2001

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*Chief Clerk of the Assembly*

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Passed the Senate    September 12, 2001

\_\_\_\_\_  
*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2001, at \_\_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to amend Section 11652 of the Public Utilities Code, relating to public utilities.

## LEGISLATIVE COUNSEL'S DIGEST

AB 57, Wiggins. Municipal utility districts : public agencies.

(1) Existing law authorizes any public agency together with unincorporated territory, or 2 or more public agencies, with or without unincorporated territory, to organize and incorporate as a municipal utility district by filing a resolution or petition. Existing law requires the board of supervisors to whom the resolution or petition is presented to call an election within the proposed district and to canvass the returns of each public agency and each parcel of unincorporated territory. The board of supervisors is required to order and declare the district created and established of the public agencies and territory in which a majority of those who voted did so in favor of the creation of the district if the total number of voters in the approving public agencies and territory is not less than  $\frac{2}{3}$  the number of voters within the district as first proposed, according to the register used at the election.

This bill would recast and reorganize these provisions. The bill would require that the number of registered voters in the approving public agencies and territory be not less than  $\frac{2}{3}$  the number of registered voters within the district as proposed to the voters, in order to declare the district created where a majority of those who voted did so in favor of the district. The bill would provide that those public agencies and parcels of unincorporated territory in which a majority of those persons voting did not vote in favor of the creation of the district shall be excluded from the district.

(2) This bill would incorporate changes to Section 11652 of the Public Utilities Code, proposed by SB 23 2X, to be operative, as specified, only if SB 23 2X and this bill are both chaptered and become effective, and this bill is chaptered last.

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

SECTION 1. Section 11652 of the Public Utilities Code is amended to read:



11652. (a) The board of supervisors shall canvass, separately, the returns of each public agency and each parcel of unincorporated territory, if any.

(b) Subject to subdivision (c), the board of supervisors shall declare a district created and established of those public agencies and parcels of unincorporated territory in which a majority of those persons who voted did so in favor of the creation of the district. Those public agencies and parcels of unincorporated territory in which a majority of those persons voting did not vote in favor of the creation of the district shall be excluded from the district.

(c) A district may be created and established pursuant to subdivision (b) only if the number of registered voters in the approving public agencies and parcels of unincorporated territory is two-thirds or more of the total number of registered voters within the district as proposed to the voters.

SEC. 2. Section 11652 of the Public Utilities Code is amended to read:

11652. The board of supervisors shall canvass the returns of each public agency and each parcel of unincorporated territory, if any, separately, and shall order and declare the district created and established of only the public agencies and territory in which a majority of those who voted on the proposition voted in favor of the creation of the district.

SEC. 3. Section 1 of this bill amends Section 11652 of the Public Utilities Code. Section 2 of this bill amends Section 11652 of the Public Utilities Code as proposed by SB 23 2X. If both this bill and SB 23 2X are enacted and become effective, and each bill amends Section 11652 of the Public Utilities Code, and this bill is enacted after SB 23 2X, Section 2 of this bill shall be operative from the effective date of this bill until January 1, 2007, and shall become inoperative on January 1, 2007, and Section 1 of this bill shall become operative on January 1, 2007. If this bill is enacted and becomes effective, and SB 23 2X is not enacted and does not become effective, then Section 1 of this bill shall become operative on the effective date of this bill, and Section 2 of this bill shall not become operative.



Approved \_\_\_\_\_, 2001

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*Governor*

