

AMENDED IN ASSEMBLY AUGUST 26, 2013

AMENDED IN ASSEMBLY JUNE 14, 2013

AMENDED IN SENATE MAY 15, 2013

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 9, 2013

AMENDED IN SENATE MARCH 21, 2013

**SENATE BILL**

**No. 279**

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**Introduced by Senator Hancock**

February 14, 2013

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An act to amend Section 66704.05 of the Government Code, relating to the San Francisco Bay Restoration Authority.

LEGISLATIVE COUNSEL'S DIGEST

SB 279, as amended, Hancock. San Francisco Bay Restoration Authority.

Existing law establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. Existing law authorizes the authority to levy a benefit assessment, special tax, or property-related fee consistent with the California Constitution, as specified. Existing law requires the board of supervisors of each affected county, when the authority proposes a measure to levy a special tax for submission to the voters, to call a special election on the measure and place the measure on the ballot of the next regularly scheduled statewide election.

This bill would specify that a measure proposed by the authority must be submitted to the voters of the authority in accordance with the provisions of the Elections Code applicable to districts, as specified. This bill would require the authority to file with the board of supervisors of each affected county a resolution requesting consolidation. This bill would require the legal counsel for the authority to prepare, subject to review and revision by a specified county counsel, an impartial analysis of the measure. This bill would require the elections officials of those affected counties to mutually agree to use the same letter designation for the measure.

*This bill would express the intent of the Legislature to address the unique procedural and financial barriers faced by the authority in proposing a special tax measure for a large, multi county jurisdiction in a special election. The bill would, in the first election at which the authority proposes a special tax, provide that the authority is required to reimburse each county in which the special tax measure appears on the ballot only for the incremental costs, as defined, that are incurred by the county elections official related to submitting the measure to the voters, and would repeal this provision on January 1, 2017.*

By imposing new duties or higher levels of service on local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

- 1 *SECTION 1. It is the intent of the Legislature to address the*
- 2 *unique procedural and financial barriers faced by the San*
- 3 *Francisco Bay Restoration Authority in proposing a special tax*
- 4 *measure for a large, multicounty jurisdiction in a special election.*

1 SECTION 1.

2 SEC. 2. Section 66704.05 of the Government Code is amended  
3 to read:

4 66704.05. (a) If the authority proposes to levy a special tax  
5 pursuant to subdivision (a) of Section 66704, the board of  
6 supervisors of the county or counties in which the special tax is  
7 proposed to be levied shall call a special election on the measure.  
8 The special election shall be consolidated with the next regularly  
9 scheduled statewide election and the measure shall be submitted  
10 to the voters in the appropriate counties, consistent with the  
11 requirements of Article XIII C or XIII D of the California  
12 Constitution, as applicable.

13 (b) The authority is a district, as defined in Section 317 of the  
14 Elections Code. Except as otherwise provided in this section, a  
15 measure proposed by the authority that requires voter approval  
16 shall be submitted to the voters of the authority in accordance with  
17 the provisions of the Elections Code applicable to districts,  
18 including the provisions of Chapter 4 (commencing with Section  
19 9300) of Division 9 of the Elections Code.

20 (c) The authority shall file with the board of supervisors of each  
21 county in which the measure shall appear on the ballot a resolution  
22 of the authority requesting consolidation, and setting forth the  
23 exact form of the ballot question, in accordance with Section 10403  
24 of the Elections Code.

25 (d) The legal counsel for the authority shall prepare an impartial  
26 analysis of the measure. The impartial analysis prepared by the  
27 legal counsel for the authority shall be subject to review and  
28 revision by the county counsel of the county that contains the  
29 largest population, as determined by the most recent federal  
30 decennial census, among those counties in which the measure will  
31 be submitted to the voters. ~~If there is no legal counsel for the  
32 authority, the authority shall transmit a copy of the measure to the  
33 county counsel of the county that contains the largest population,  
34 as determined by the most recent federal decennial census, among  
35 those counties in which the measure will be submitted to the voters,  
36 and the county counsel shall prepare the impartial analysis.~~

37 (e) Each county included in the measure shall use the exact  
38 ballot question, impartial analysis, and ballot language provided  
39 by the authority. If two or more counties included in the measure  
40 are required to prepare a translation of ballot materials into the

1 same language other than English, the county that contains the  
 2 largest population, as determined by the most recent federal  
 3 decennial census, among those counties that are required to prepare  
 4 a translation of ballot materials into the same language other than  
 5 English shall prepare the translation and that translation shall be  
 6 used by the other county or counties, as applicable.

7 (f) Notwithstanding Section 13116 of the Elections Code, if a  
 8 measure proposed by the authority pursuant to this article is  
 9 submitted to the voters of the authority in two or more counties,  
 10 the elections officials of those counties shall mutually agree to use  
 11 the same letter designation for the measure.

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

14 (h) (1) *Notwithstanding Section 10520 of the Elections Code,*  
 15 *for the first election at which the authority proposes a special tax*  
 16 *pursuant to subdivision (a) of Section 66704, the authority shall*  
 17 *reimburse each county in which the special tax measure appears*  
 18 *on the ballot only for the incremental costs incurred by the county*  
 19 *elections official related to submitting the measure to the voters.*

20 (2) *For purposes of this subdivision, “incremental costs” include*  
 21 *all of the following:*

22 (A) *The cost to prepare, review, and revise the impartial analysis*  
 23 *of the measure that is required by subdivision (d).*

24 (B) *The cost to prepare a translation of ballot materials into a*  
 25 *language other than English by any county, as described in*  
 26 *subdivision (e).*

27 (C) *The additional costs that exceed the costs incurred for other*  
 28 *election races or ballot measures, if any, appearing on the same*  
 29 *ballot in each county in which the special tax measure appears on*  
 30 *the ballot, including both of the following:*

31 (i) *The printing and mailing of ballot materials.*

32 (ii) *The canvass of the vote regarding the special tax measure*  
 33 *pursuant to Division 15 of the Elections Code.*

34 (3) *This subdivision is repealed on January 1, 2017.*

35 ~~SEC. 2.~~

36 SEC. 3. No reimbursement is required by this act pursuant to  
 37 Section 6 of Article XIII B of the California Constitution for certain  
 38 costs that may be incurred by a local agency or school district  
 39 because those costs are the result of a program for which legislative  
 40 authority was requested by that local agency or school district,

1 within the meaning of Section 17556 of the Government Code and  
2 Section 6 of Article XIII B of the California Constitution.  
3 However, if the Commission on State Mandates determines that  
4 this act contains other costs mandated by the state, reimbursement  
5 to local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.

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