

Assembly Bill No. 1951

CHAPTER 402

An act to amend Sections 56705 and 56706 of the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 26, 1998. Filed with Secretary of State August 26, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, Hertzberg. Local government organization: petitions.

(1) The Cortese-Knox Local Government Reorganization Act of 1985 sets forth the procedures to be followed in the change in organization or reorganization of local governments generally. The act requires that, in cities with a population of more than 100,000 residents located in a county with a population of over 4,000,000, no petition may be accepted for filing unless the signatures thereon have been secured within 90 days of the publication of the required notice and the petition is submitted to the executive officer for filing with 60 days after the last signature is affixed. If the petition is submitted for filing after 60 days after the last signature is affixed, the executive officer is required to file it as a public record without prejudice to the filing of a new petition.

This bill would provide that these provisions do not apply to a petition for a special reorganization, as defined, that the period for securing signatures for a petition for a special reorganization is 6 months, and that this provision is declaratory of existing law.

(2) Pursuant to the act, if the certificate of the executive officer shows the submitted petition for change of organization or reorganization to be insufficient, the executive officer is required to give notice immediately by certified mail of the insufficiency to the chief petitioners, if any, stating in what amount the petition is insufficient. A supplemental petition bearing additional signatures may be filed with the executive officer within 15 days of the notice of insufficiency.

This bill would permit the proponents of the petition, at their option, to collect signatures for an additional 15 days immediately following the statutory period allowed for collecting signatures without waiting for notice of insufficiency. It would specify that any proponent choosing to exercise this option may not file a supplemental petition as provided in existing law.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 56705 of the Government Code is amended to read:

56705. (a) Except as otherwise provided in subdivision (b), no petition shall be accepted for filing unless the signatures on the petition are secured within six months of the date on which the first signature on the petition was affixed and the petition is submitted to the executive officer for filing within 60 days after the last signature is affixed. If the elapsed time between the date on which the last signature is affixed and the date on which the petition is submitted for filing is more than 60 days, the executive officer shall file the petition in accordance with Section 56709.

(b) (1) Notwithstanding subdivision (a), in cities with a population of more than 100,000 residents that are located in a county with a population of over 4,000,000, no petition shall be accepted for filing unless the signatures thereon have been secured within 90 days of the publication of the notice required pursuant to Section 56700.5 and the petition is submitted to the executive officer for filing within 60 days after the last signature is affixed. If the elapsed time between the date on which the last signature is affixed and the date on which the petition is submitted for filing is more than 60 days, the executive officer shall file the petition in accordance with Section 56709.

(2) This subdivision shall not apply to a petition for a special reorganization, as defined in Section 56075.5. Subdivision (a) shall apply to a special reorganization, as defined in Section 56075.5, regardless of the number of residents in the city or county in which signatures have been secured on the petition. This paragraph is declaratory of existing law.

SEC. 2. Section 56706 of the Government Code is amended to read:

56706. (a) Within 30 days after the date of receiving a petition, the executive officer shall, if any processing fee established pursuant to Section 56383 has been paid, cause the petition to be examined and shall prepare a certificate of sufficiency indicating whether the petition is signed by the requisite number of signers.

(b) (1) Except as provided in paragraph (2), if the certificate of the executive officer shows the petition to be insufficient, the executive officer shall immediately give notice by certified mail of the insufficiency to the chief petitioners, if any. That mailed notice shall state in what amount the petition is insufficient. Within 15 days after the date of the notice of insufficiency, a supplemental petition bearing additional signatures may be filed with the executive officer.

(2) Notwithstanding paragraph (1), the proponents of the petition may, at their option, collect signatures for an additional 15 days immediately following the statutory period allowed for collecting signatures without waiting for notice of insufficiency. Any



proponent choosing to exercise this option may not file a supplemental petition as provided in paragraph (1).

(c) Within 10 days after the date of filing a supplemental petition, the executive officer shall examine the supplemental petition and certify in writing the results of his or her examination.

(d) A certificate of sufficiency shall be signed by the executive officer and dated. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination. The executive officer shall mail a copy of the certificate of sufficiency to the chief petitioners, if any.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for proponents of special reorganization petitions currently in circulation to know the length of time during which signatures may be collected, it is necessary that this act take effect immediately.

