

**CALIFORNIA COASTAL COMMISSION**

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**W-27a**

August 8, 2012

TO: Coastal Commissioners and Interested Public

FROM: Charles Lester, Executive Director  
 Sarah Christie, Legislative Director

SUBJECT: LEGISLATIVE REPORT FOR AUGUST 2012

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal-related legislation.

**Note: Information contained in this report is accurate as of 07/27/12. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date.**<sup>1</sup> The Governor has 30 days from the date of passage to sign or veto enrolled bills. Current status of any bill may be checked by visiting the California Senate Homepage at [www.senate.ca.gov](http://www.senate.ca.gov). This report can also be accessed through the Commission's World Wide Web Homepage at [www.coastal.ca.gov](http://www.coastal.ca.gov)

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2012 Legislative Calendar

Jan 1	Statutes take effect
Jan 4	Legislature reconvenes
Jan 10	Budget must be submitted by Governor
Jan 27	Last day to submit bill requests to Legislative Counsel
Feb 24	Last day for bill introduction
March 29	Spring Recess begins
April 9	Legislature reconvenes
April 27	Last day for Policy Committees to hear and report 1 <sup>st</sup> House fiscal bills to the Floor
May 11	Last day for Policy Committees to hear and report 1 <sup>st</sup> House non-fiscal bills to the Floor
May 18	Last day for Policy Committees to meet prior to June 7
May 25	Last day for Fiscal Committees to hear and report 1 <sup>st</sup> House fiscal bills to the Floor
May 29-June 1	Floor Session only. No committees may meet
June 1	Last day to pass bills from house of origin
June 4	Committee meetings may resume
June 15	Budget must be passed by midnight
June 28	Last day for a legislative measure to qualify for the November General Election ballot
July 6	Last day for Policy Committees to hear and report bills to the Floor from the second house
July 6	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug 6	Legislature reconvenes
Aug 17	Last day for Fiscal Committees to meet and report bills to the Floor
Aug 20-31	Floor session only. No committees may meet
Aug 24	Last day to amend bills on the Floor
Aug 31	Last day for any bill to be passed. Interim Recess begins on adjournment of session

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<sup>1</sup> Terms used in this report relating to bill status. 1) "On Suspense" means bill is held in Appropriations because of potential costs to state agency. Bills usually heard by Appropriations near Fiscal Committee Deadline in June. 2) "Held in committee" means bill was not heard in the policy committee this year. 3) "Failed passage" means a bill was heard by policy committee but failed to get a majority vote. Reconsideration can be granted by the committee.

## **PRIORITY LEGISLATION**

### **AB 482 (Williams) Ventura Port District: dredging contracts**

This bill would authorize the Port of Ventura to bypass the competitive bidding process for dredging projects, provided that it contracts with a contractor who has been selected through the Federal competitive bidding process, and is currently engaged in a project that is already underway in the County of Ventura, provided that the District makes written findings that this would result in a cost savings for the District. Amendments of 1/13/12 add an urgency clause.

Introduced	02/15/11
Status	Chaptered by the Secretary of State; Chapter 51, Statutes of 2012
Last Amended	01/14/12

### **AB 752 (Brownley) Tidelands and submerged lands: sea level action plans**

This bill would require local trustees of granted public tidelands (county, city or special districts) who receive at least \$250,000 per year in gross public trust revenues to prepare sea level action plans by July 1, 2013. The bill would also encourage, but not require, all other local trustees of granted public tidelands to prepare sea level action plans. The plans must include an assessment of impacts based on a range of sea level rise potentials, including fiscal impacts public lands, as well adaptation strategies for those impacts. The sea level rise plans shall be adopted after at least one public hearing, and submitted to the State Lands Commission.

Introduced	02/17/11
Last Amended	05/27/11
Status	Held in Senate Natural Resources and Wildlife Committee

### **AB 904 (Skinner) Local government: parking spaces**

This bill would prohibit cities and counties from establishing a minimum parking standard for off-street parking spaces greater than 2 parking spaces per 1,000 square feet of non-residential development or 1 parking space per non-income restricted residential development in specified areas.

Introduced	02/17/11
Last Amended	06/27/12
Status	Senate G.O. Committee. Hearing cancelled at request of author.

### **AB 1336 (Fletcher) Coastal resources: local coastal plans**

This is a spot bill.

Introduced	02/18/11
Status	Assembly Rules Committee. Died at desk.

**AB 1776 (Fong) Western Pacific leatherback turtle**

This bill would designate the Western Pacific leatherback turtle as the state's official marine reptile, and designate October 15 of every year as Western Pacific Leatherback Turtle Day.

Introduced 02/17/12  
Last Amended 03/22/12  
Status Senate Third Reading  
**Commission Position Support**

**AB 1825 (Garrick) State parks: "Save the Ocean" mosaic**

This bill would authorize the City of Encinitas to place the "Save the Ocean" mosaic, aka the "Surfing Madonna" mosaic, in Moonlight State Park, without first gaining approval from the Department of Parks and Recreation.

Introduced 02/21/12  
Last Amended 03/29/12  
Status Held in Assembly Water, parks & Wildlife Committee

**AB 2005 (Garrick) Oil spills: contingency plans**

This bill requires a non-tank, noncommercial vessel weighing between 300 gross tons and 400 gross tons to submit the following to the Office of Oil Spill Prevention and Response (OSPR), at least 96 hours before arriving in California waters:

- Evidence of financial responsibility to respond to an oil spill.
- Payment of the nontank vessel oil spill prevention fee.
- The vessel's particulars, such as the size and dimensions of the vessel.

The bill sunsets its provisions as of January 1, 2015.

Introduced 02/21/12  
Last Amended 05/01/12  
Status Senate Environmental Quality Committee

**AB 2082 (Atkins) Public lands: State Lands Commission: violations**

This bill would authorize the State Lands Commission to impose civil penalties of up to \$1,000 per day for persons placing unauthorized development or carrying out unauthorized uses on lands under the Commission's jurisdiction.

Introduced 02/23/12  
Last Amended 06/21/12  
Status Senate Appropriations Committee

**AB 2178 (Jones) Coastal resources: California Coastal Act of 1976: coastal development**

This bill would specify that the construction or erection of a flag pole in the coastal zone does not is not a “structure” for the purpose of the Coastal Act. It would prohibit the denial of a flag pole based on impacts to scenic or visual resources.

Introduced 02/23/12  
Status Held in Assembly Natural Resources Committee  
**Commission Position Oppose**

**AB 2211 (Jones) Coastal resources: California Coastal Act of 1976**

This bill would amend Section 30007.5 so that conflicts between Chapter 3 policies would be resolved in a manner that balances the protection of coastal resources with the economic and social benefits of a project, including regional prosperity. It would also amend Section 30001.5 to define “social and economic needs” as infrastructure and development needed to support continued population and economic growth.

Introduced 02/24/12  
Status Held in Assembly Natural Resources Committee  
**Commission Position Oppose**

**AB 2226 (Hueso) Agency proceedings: evidence: presumption**

This bill would require all state agencies and local governments to adhere to Section 662 of the Evidence Code when determining who holds full beneficial title to property, rather than following the Administrative Procedures Act or their own specific statute and regulations.

Introduced 02/23/12  
Last Amended 03/22/12  
Status Held in Senate Judiciary Committee  
**Commission Position Oppose**

**AB 2267 (Hall) Marine resources and preservation**

This bill would revise the calculation of “cost savings” and revise the factors to be taken into account in determining “net benefit to the marine environment” for the purpose of partial oil structure removal (“rigs to reefs”) as administered by the Department of Fish and Game.

Introduced 02/24/12  
Last Amended 03/26/12  
Status Assembly Appropriations Committee

## **AB 2595 (Hall) Desalination**

This bill would require the Ocean Protection Council (OPC) to convene the Seawater Desalination Permit Streamlining Task Force to study the opportunities for streamlining the permitting process and impediments to that process, and submit a report with recommendations to the Legislature by December 31, 2013. The Commission is one of nine agencies on the task force. Amendments of 6/14 change the funding source from Prop 84 to Prop 50. This was amended out of the bill in committee, and the bill currently has no identified funding source.

Introduced	02/24/12
Last Amended	06/14/12
Status	Assembly Appropriations Committee
<b>Commission Position</b>	<b>Oppose</b>

## **SCR 84 (Kehoe) California Coastal Protection Week**

This Senate Concurring Resolution commemorates the 40<sup>th</sup> anniversary of the passage of Proposition 20, acknowledges the ensuing accomplishments of the California Coastal Management Program, and designates the second week of September every year as California Coastal Protection Week.

Introduced	04/16/12
Last amended	05/03/12
Status	Assembly Third Reading
<b>Commission Position</b>	<b>Support</b>

**SB 1 (Kehoe) 22<sup>nd</sup> Agricultural Association: Del Mar Racetrack: sale of state property**

As introduced, this bill would divide the 22<sup>nd</sup> Ag District in San Diego County into two separate entities. The newly created Agricultural District 22a would be comprised of the Del Mar Racetrack and Fair Grounds. The bill would authorize the Department of General Services to sell the assets of District 22a to the City of Del Mar, at which time Agricultural District 22a would be dissolved. Amendments of 01/10/12 would delete a provision in the Food and Agriculture Code that dissolves the State Race Track Leasing Commission. The result of this amendment would be the permanent establishment of the State Race Track Leasing Commission, the body that leases the Del Mar Race Track from the 22<sup>nd</sup> Ag District.

Introduced	12/06/10
Last Amended	01/04/12
Status	Assembly Appropriations Committee

**SB 162 (Anderson) Economic development: federally recognized tribes**

As amended 5/21/12 and relevant to the Commission, this bill would prohibit state agencies from opposing a fee-to-trust land acquisition application that is for the purpose of housing, environmental protection or cultural preservation. It would also define a "federally recognized tribe" means a tribe that appears on the list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, published pursuant to Section 479a-1 of Title 25 of the U.S. Code.

Introduced 12/06/10  
Last Amended 05/21/12  
Status Assembly G. O.—Hearing cancelled at request of author  
**Commission Position Oppose**

**SB 568 (Lowenthal) Recycling: polystyrene food containers**

This bill would prohibit any food vendor, after January 1, 2016, from dispensing prepared food to a customer in a polystyrene foam food container. The measure would not apply to correctional facilities, school districts, or food vendors selling freshly cut meat. Amendments taken on 5/23 and 5/15 would allow a school district or local government to dispense food in a polystyrene container if the applicable governing board elects to adopt a policy or ordinance elects to implement a verifiable recycling program for polystyrene foam food containers, effective July 1, 2017.

Introduced 02/17/11  
Last Amended 07/12/11  
Status Assembly Inactive File  
**Commission Position Support**

**SB 588 (Evans) Coastal Commission: enforcement**

This bill would authorize the Coastal Commission to collect administrative civil penalties up to \$50,000 per violation. The bill would require that any penalties collected for violation of the Coastal Account be deposited into the Coastal Act Services Fund.

Introduced 02/17/11  
Status Returned to Secretary of Senate.  
**Commission position Support**

**SB 973 (Vargas) Environmental quality: California environment**

This bill would authorize a lead agency conducting environmental review pursuant to CEQA to grant an exemption for a fireworks display.

Introduced 01/19/12  
Last Amended 05/02/12  
Status Assembly Natural Resources Committee—Held in Committee

**SB 1066 (Lieu) Coastal resources: climate change**

This bill would authorize the Coastal Conservancy to fund and undertake projects related to climate change, giving priority to projects that maximize public benefits.

Introduced                02/13/12  
Last Amended            06/27/12  
Status                     Assembly Appropriations Committee  
**Commission Position   Support**

**SB 1283 (Alquist) San Francisco Bay Area Sea Level Rise Planning Act**

This bill would establish the San Francisco Bay Area Sea Level Rise Planning Act, which would authorize a regional sea level rise management group, as defined, or local government agency to prepare and adopt an integrated sea level rise management plan for the San Francisco Bay area, in accordance with specified requirements. The bill would require a state agency that elects to develop an integrated sea level management plan to include specified criteria in that plan, and to prioritize funding for the plan, as prescribed.

Introduced                03/23/12  
Status                     Senate Natural Resources and Wildlife Committee. Hearing cancelled at author's req.

**SB 1447 (Walters) Artificial reefs**

This bill would amend the Fish and Game Code to change the definition of an artificial reef to eliminate references to duplicating conditions of natural reefs and stimulating kelp growth, and include a reference to recreational scuba diving.

Introduced                02/24/12  
Status                     Senate Natural Resources Committee. Hearing cancelled at author's request

**SB 1496 (Simitian) Energy: natural gas**

This bill would require the Energy Commission to conduct an assessment of the need for liquefied natural gas (LNG) imports to meet the state's energy demand. The bill would also require an applicant for an LNG facility to consult with the Department of Defense.

Introduced                02/24/12  
Last Amended            05/25/12  
Status                     Assembly Appropriations Committee

**Proposition 31: Government Performance and Accountability Act**

This statewide ballot initiative would address a variety of reforms to the legislative and budget process. Among these reforms is a provision that allows local governments to adopt provisions in Community Strategic Action Plans that would allow local governments to adopt “community rules” that override state laws and regulations. The implications of allowing a local override of state laws could negatively impact the implementation of the Coastal Act.

**Commission Position:      Recommend Oppose. Analysis attached.**

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**W27a****ANALYSIS****“Proposition 31: Government Performance and Accountability Act”****RECOMMENDED ACTION**

Staff recommends the Commission **Oppose Proposition 31** because it would authorize local governments to adopt “Action Plans” that may supersede the Coastal Act.

**SUMMARY**

Proposition 31, “The Government Performance and Accountability Act” (attached) is a statewide ballot initiative proposed for the November 2012 election. It is sponsored by the nonprofit government reform group “California Forward” and was qualified by the Secretary of State on June 26, 2012. If passed, the Government Performance and Accountability Act would amend the State Constitution to institute a number of governance reforms, including:

- Moving from an annual budget cycle to a two-year state budget cycle
- Instituting statewide performance-based budgeting
- The creation of a statewide “rainy day fund”
- A requirement that all bills must be in print a minimum of three days prior to legislative action
- A requirement that major new programs and tax cuts costing \$25 million or more to have a clearly identified funding source before they are enacted
- The authority for local governments to adopt “Strategic Action Plans” that would allow local governments to effectively override state statutes and regulations if the plans are “functionally equivalent to the objective or objectives of the applicable statute or regulation”
- Providing financial incentives for local governments to adopt Strategic Action Plans

While Proposition 31 proposes multiple governance reforms, including such reforms as statewide performance-based budgeting and transitioning to a two-year budget cycle that could affect the functioning of the Commission, this analysis, and recommended opposition is based solely on an analysis of the Community Strategic Action Plans (Action Plans).

**PROGRAM BACKGROUND**

California Forward is nonprofit organization formed in 2006 with a focus on government reform. Their website states that their first priorities are:

- “Stabilizing the fiscal mess through budget reform.”
- “Changing political incentives with redistricting and the top two primary.”
- “Restructuring state and local government to drive innovation and results.”

Among other proposals, Proposition 31 would authorize and provide funding and other incentives for local governments to prepare and adopt Action Plans intended to advance community priorities and encourage regional collaboration. Section 7 of the Government Performance and Accountability Act

would add Article XI A to the California Constitution. Section 2(a) of that article, authorizes a county to initiate preparation of a “Strategic Action Plan.” The Plan must state how the Plan will “promote, as applicable to a local government entity’s functions, role, and locally-determined priorities, a prosperous economy, quality environment, and community equity ... “(Article XI A, Section 1(a)(1)). The Plan may be initiated by a board of supervisors. Any local government within a county can petition its board of supervisors to initiate or amend the Plan.

Once an Action Plan is adopted by the board of supervisors and approved by the necessary local government entities, local government entities that approved the Plan would enjoy greater flexibility in how they spend state funding. They would also gain the ability to identify state statutes or regulations that “impede progress” toward implementing the Action Plan goals, and instead craft a “community rule” for achieving the state requirement.

Action Plans would be submitted to the “governing bodies of each of the local government entities within the county,” and approved by the County, local government entities providing municipal services pursuant to the plan, and one or more school districts. In order to become effective, an Action Plan must be approved by local government entities providing services pursuant to the Action Plan to at least a majority of the population of the county and by school districts serving at least a majority of the public school pupils in the county. An Action Plan does not apply to any local government entity that does not approve the plan. Once adopted, local and state funds could be integrated to achieve the goals of the plan.

If the local government entities that adopt the plan conclude that a qualifying state statute or regulation<sup>1</sup> is impeding implementation of an Action Plan goal, they may adopt a “community rule” that would act as the functional equivalent of the state law or regulation and thus supersede the state statute or regulation. A community rule is functionally equivalent if it “substantially complies with the policy and purpose” of the statute or regulation that it is superseding. In adopting a community rule, the local government must describe the state objective, how the statute or regulation is impeding the Action Plan goal, and “how the community rule will contribute to better outcomes while advancing a prosperous economy, quality environment, and community equity.”

Local governments must submit an Action Plan that contains provisions superseding state statutes to the Legislature. Unless both houses of the Legislature disapprove those provisions within 60 days of receipt of the Action Plan, those provisions become effective. Compliance with those provisions shall be deemed compliance with the superseded state statutes. Similarly, local governments must submit an Action Plan that contains provisions superseding a state regulation to the state department responsible for administering the regulation. Unless that department disapproves the provisions within 60 days of receipt of the plan, those provisions become effective and compliance with the Action Plan provisions shall be deemed compliance with the superseded regulation. Because the Commission meets only once per month, it may have substantially less than 60 days to disapprove an Action Plan.

## **ANALYSIS**

Conferring on local governments the authority to supersede state laws through implementation of local “Action Plans” and “community rules” has the potential to reduce or eliminate Coastal Commission oversight of coastal land use and development in jurisdictions that choose to implement this provision. For example, if a local government felt that a Coastal Act policy “impedes” their local progress towards providing a particular public service, the plain language of the ballot measure would allow it to include a provision overriding the state law. Section 3 (a) states:

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<sup>1</sup> A state statute or regulation governing administration of a state program that is financed at least in part with state funds.

If the parties to an Action Plan adopted pursuant to Section 2 of this article conclude that a state statute or regulation, including a statute or regulation restricting the expenditure of funds, impedes progress toward the goals of the Action Plan or they need additional statutory authority to implement the Action Plan, the local government entities may include provisions in the Action Plan that are functionally equivalent to the objective or objectives of the applicable statute or regulation. The provision shall include a description of the intended state objective, of how the rule is an obstacle to better outcomes, of the proposed community rule, and how the community rule will contribute to better outcomes while advancing a prosperous economy, quality environment, and community equity. For purposes of this section, a provision is functionally equivalent to the objective or objectives of a statute or regulation if it substantially complies with the policy and purpose of the statute or regulation.

If a local government wants to override state statutes or regulations, it must include in the Action Plan provisions that are “functionally equivalent” to the state law. However, an Action Plan provision is functionally equivalent if it “substantially complies with the policy and purpose” of the state law. Moreover, it is the local governments, not the Coastal Commission, that would make the determination of functional equivalency of a community rule with the Coastal Act. While any provision of an Action Plan that would override state statutes would have to be submitted to the Legislature, that body would have only 60 days to disapprove the provision. Failure to act within 60 days would mean that compliance with the provisions of the Action Plan “shall be deemed compliance with the state statute or statutes” (Article XI A, Section 3(b)).

Given this short timeframe, it is possible that the Legislature would not actually review or even have the opportunity to review these override proposals. The legislative process can be complex, designed to accommodate participation by multiple actors, committees, and subcommittees, and achieving such review in 60 days could be difficult. In addition, the Legislature is not in session for four months of the year, unless called by the Governor for a Special Session. Given these constraints, it is possible that locally-adopted plans that effectively override the Coastal Act would not be reviewed by the legislature within the required 60 days. Under this ballot measure, the Legislature’s failure to act constitutes approval. The net result will likely be that local governments’ superseding action would go into effect by operation of law. Finally, even if the legislature did review a potentially overriding local plan, there is no guarantee of any particular legislative action, and it may be that the local rule overriding the Coastal Act would be allowed to stand through this newly-established legislative review procedure.

Although the initiative on its face requires community rules to be functionally equivalent with the state statutes that they supersede, the initiative’s only mechanism for enforcing compliance with that requirement is the Legislature’s limited review period. Given that compliance with a community rule “shall be deemed compliance” with state statutes that the community rule supersedes, if the Legislature fails to act within the 60-day review period, there may be no effective remedy even if a community rule is obviously incompatible with the state statute that it supersedes.

Proposition 31 restricts the local override authority to “statutes or regulations that directly govern the administration of a state program that is financed in whole or in part with state funds” (Article XI A, Section 3(d)). Nevertheless, in the environmental context it is hard to identify a state program administered by local governments that is not financed at least in part with state funds. Given that the Commission is financed with state funds and plays an integral role in local government implementation of Coastal Act requirements, there is a substantial risk that courts would find that this override authority applies to local government implementation of the Coastal Act.

While these political and procedural limitations are significant, it is also clear that there are areas of the state where controversy regarding the Coastal Act may lead to the adoption of “community rules” that

override the Coastal Act. One of the Coastal Act's fundamental principles is that the coast is a statewide resource the protection of which sometimes requires implementation of policies through land use planning and regulation that may conflict with local interests or priorities. The Coastal Act includes a carefully constructed balance between state and local authority and interests through local coastal programs that has been tested and refined over the course of four decades of coastal planning and management. Proposition 31 threatens to undermine that balance in a way that significantly weakens state oversight of coastal resources that are a highly significant statewide resource.

Overall, while the initiative includes many proposals not directly related to environmental protection or land use planning that may be meritorious, for the forgoing reasons related to the potential local override of the Coastal Act or implementing regulations, **staff recommends the Commission oppose Proposition 31.**

Attachments: Text of initiative and ballot pamphlet materials.

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**Proposition 31**  
**State Budget. State and Local Government.**  
**Initiative Constitutional Amendment and Statute.**

## OVERVIEW

This measure changes certain responsibilities of local governments, the Legislature, and the Governor. It also changes some aspects of state and local government operations. Figure 1 summarizes the measure's main provisions, each of which are discussed in more detail below.

**Figure 1**

**Major Provisions of Proposition 31**

- ✓ **Authorizes and Funds Local Government Plans**
  - Transfers some state revenues to counties in which local governments implement plans to coordinate their public services.
  - Allows these local governments to develop their own procedures for administering state-funded programs.
  - Allows these local governments to transfer local property taxes among themselves.
- ✓ **Restricts Legislature's Ability to Pass Certain Bills**
  - Restricts the Legislature's ability to pass certain bills that increase state costs or decrease revenues unless new funding sources and/or spending reductions are identified.
    - Exempts various types of bills from the above requirement.
  - Requires almost all bills and amendments to be available to the public at least three days before legislative approval.
- ✓ **Expands Governor's Ability to Reduce State Spending**
  - Allows the Governor to reduce spending during state fiscal emergencies in certain situations.
- ✓ **Changes Public Budgeting and Oversight Procedures**
  - Changes the annual state budget process to a two-year state budget process.
  - Requires the Legislature to set aside part of each two-year session for legislative oversight of public programs.
  - Requires state and local governments to evaluate the effectiveness of programs and describe how their budgets meet various objectives.

## AUTHORIZES AND FUNDS LOCAL GOVERNMENT PLANS

### Proposal

*Allows Local Governments to Develop New Plans.* Under this measure, counties and other local governments (such as cities, school districts, community college districts, and special

districts) could create plans for coordinating how they provide services to the public. The plans could address how local governments deliver services in many areas, including economic development, education, social services, public safety, and public health. Each plan would have to be approved by the governing boards of the (1) county, (2) school districts serving a majority of the county's students, and (3) other local governments representing a majority of the county's population. Local agencies would receive some funding from the state to implement the plans (as described below).

***Allows Local Governments to Alter Administration of State-Funded Programs.*** If local governments find that a state law or regulation restricts their ability to carry out their plan, they could develop local procedures that are “functionally equivalent” to the objectives of the existing state law or regulation. Local governments could follow these local procedures—instead of state laws or regulations—in administering state programs financed with state funds. The Legislature (in the case of state laws) or the relevant state department (in the case of state regulations) would have an opportunity to reject these alternate local procedures. The locally developed procedures would expire after four years unless renewed through the same process.

***Allows Transfer of Local Property Taxes.*** California taxpayers pay about \$50 billion in property taxes to local governments annually. State law governs how property taxes are divided among local government entities in each county. This measure allows local governments participating in plans to transfer property taxes allocated to them among themselves in any way that they choose. Each local government affected would have to approve the change with a two-thirds vote of its governing board.



***Shifts Some State Sales Tax Revenues to Local Governments.*** Currently, the average sales tax rate in the state is just over 8 percent. This raised \$42.2 billion in 2009-10, with the revenues allocated roughly equally to the state and local governments. Beginning in the 2013-14 fiscal year, the measure would shift a small part of the state's portion to counties that implement the new plans. This would not change sales taxes paid by taxpayers. The shift would increase revenues of the participating local governments in counties with plans by a total of about \$200 million annually in the near term. The state government would lose a corresponding amount, which would no longer be available to fund state programs. The sales taxes would be allocated to participating counties based on their population. The measure requires a local plan to provide for the distribution of these and any other funds intended to support implementation of the local plan.

### **Fiscal Effects**

In addition to the shift of the \$200 million described above, there would be other fiscal effects on state and local governments. For example, allowing local governments to develop their own procedures for administering state-funded programs could lead to potentially different program outcomes and state or local costs than would have occurred otherwise. Allowing local governments to transfer property taxes could affect how much money goes to a given local government, but would not change the total amount paid by property taxpayers. Local governments also likely would spend small additional amounts to create and administer their new plans. The changes that would result from this part of the measure depend on (1) how many counties create plans, (2) how many local governments alter the way they administer state-funded programs, and (3) the results of their activities. For those reasons, the net fiscal effect of

this measure for the state and local governments cannot be predicted. In some counties, these effects could be significant.

## **RESTRICTS LEGISLATURE'S ABILITY TO PASS CERTAIN BILLS**

### **Current Law**

***Budget and Other Bills.*** Each year, the Legislature and the Governor approve the state budget bill and other bills. The budget bill allows for spending from the General Fund and many other state accounts. (The General Fund is the state's main operating account that provides funding to education, health, social services, prisons, and other programs.) In general, a majority vote of both houses of the Legislature (the Senate and the Assembly) is required for the approval of the budget bill and most other bills. A two-thirds vote in both houses, however, is required to increase state taxes.

As part of their usual process for considering new laws, the Legislature and Governor review estimates of each proposed law's effects on state spending and revenues. While the State Constitution does not mandate that the state identify how each new law would be financed, it requires that the state's overall budget be balanced. Specifically, every year when the state adopts its budget, the state must show that estimated General Fund revenues will meet or exceed approved General Fund spending.

### **Proposal**

***Restricts Legislature's Ability to Increase State Costs.*** This measure requires the Legislature to show how some bills that increase state spending by more than \$25 million in any fiscal year would be paid for with spending reductions, revenue increases, or a combination of both. The requirement applies to bills that create new state departments or programs, expand current state



departments or programs, or create state-mandated local programs. Exemptions from these requirements include bills that allow one-time spending for a state department or program, increase funding for a department or program due to increases in workload or the cost of living, provide funding required by federal law, or increase the pay or other compensation of state employees pursuant to a collective bargaining agreement. The measure also exempts bills that restore funding to state programs reduced to help balance the state budget in any year after 2008-09.

***Restricts Legislature's Ability to Decrease State Revenues.*** This measure also requires the Legislature to show how bills that decrease state taxes or other revenues by more than \$25 million in any fiscal year would be paid for with spending reductions, revenue increases, or a combination of both.

***Changes When Legislature Can Pass Bills.*** This measure makes other changes that could affect when the Legislature could pass bills. For example, the measure requires the Legislature to make bills and amendments to those bills available to the public for at least three days before voting to pass them (except certain bills responding to a natural disaster or terrorist attack).

### **Fiscal Effects**

This measure would make it more difficult for the Legislature to pass some bills that increase state spending or decrease revenues. Restricting the Legislature's ability in this way could result in state funds spent on public services being less—or taxes and fees being more—than otherwise would be the case. Because the fiscal effect of this part of the measure depends on future decisions by the Legislature, the effect cannot be predicted, but it could be significant over time. Because the state provides significant funding to local governments, they also could be affected over time.

## **EXPANDS GOVERNOR'S ABILITY TO REDUCE STATE SPENDING**

### **Current Law**

Under Proposition 58 (2004), after the budget bill is approved, the Governor may declare a state fiscal emergency if he or she determines the state is facing large revenue shortfalls or spending overruns. When a fiscal emergency is declared, the Governor must call the Legislature into special session and propose actions to address the fiscal emergency. The Legislature has 45 days to consider its response. The Governor's powers to cut state spending, however, currently are very limited even if the Legislature does not act during that 45-day period.

### **Proposal**

*Allows Governor to Reduce Spending in Certain Situations.* Under this measure, if the Legislature does not pass legislation to address a fiscal emergency within 45 days, the Governor could reduce some General Fund spending. The Governor could not reduce spending that is required by the Constitution or federal law—such as most school spending, debt service, pension contributions, and some spending for health and social services programs. (These categories currently account for a majority of General Fund spending.) The total amount of the reductions could not exceed the amount necessary to balance the budget. The Legislature could override all or part of the reductions by a two-thirds vote in both of its houses.

### **Fiscal Effects**

Expanding the Governor's ability to reduce spending could result in overall state spending being lower than it would have been otherwise. The fiscal effect of this change cannot be predicted, but could be significant in some years. Local government budgets also could be affected by lower state spending.

## **CHANGES PUBLIC BUDGETING AND OVERSIGHT PROCEDURES**

### **Proposal**

***Changes Annual State Budget Process to a Two-Year Process.*** This measure changes the state budget process from a one-year (annual) process to a two-year (biennial) process. Every two years beginning in 2015, the Governor would submit a budget proposal for the following two fiscal years. For example, in January 2015 the Governor would propose a budget for the fiscal year beginning in July 2015 and the fiscal year beginning in July 2016. Every two years beginning in 2016, the Governor could submit a proposed budget update. The measure does not change the Legislature's current constitutional deadline of June 15 for passing a budget bill.

***Sets Aside Specific Time Period for Legislative Oversight of Public Programs.*** Currently, the Legislature oversees and reviews the activities of state and local programs at various times throughout its two-year session. This measure requires the Legislature to reserve a part of its two-year session—beginning in July of the second year of the session—for oversight and review of public programs. Specifically, the measure requires the Legislature to create a process and use it to review every state-funded program—whether managed by the state or local governments—at least once every five years. While conducting this oversight, the Legislature could not pass bills except for those that (1) take effect immediately (which generally require a two-thirds vote of both houses) or (2) override a Governor's veto (which also require a two-thirds vote of both houses).

***Imposes New State and Local Budgeting Requirements.*** Currently, state and local governments have broad flexibility in determining how to evaluate operations of their public programs. This measure imposes some general requirements for state and local governments to include new items in their budgets. Specifically, governments would have to evaluate the



effectiveness of their programs and describe how their budgets meet various objectives. State and local governments would have to report on their progress in meeting those objectives.

### **Fiscal Effects**

State and local governments would experience increased costs to set up systems to implement the new budgeting requirements and to administer the new evaluation requirements. These costs would vary based on how state and local officials implemented the requirements. Statewide, the costs would likely range from **millions to tens of millions of dollars annually**, moderating over time. These new budgeting and evaluation requirements could affect decision making in a variety of ways—such as, reprioritization of spending, program efficiencies, and additional investments in some program areas. The fiscal impact on governments cannot be predicted.

### **SUMMARY OF MEASURE'S FISCAL EFFECTS**

As summarized in Figure 2, the measure would shift some state sales tax revenues to counties that implement local plans. This shift would result in a decrease in state revenues of \$200 million annually, with a corresponding increase of funding to local governments in those counties. The net effects of this measure's other state and local fiscal changes generally would depend on future decisions by public officials and, therefore, are difficult to predict. Over the long term, these other changes in state and local spending or revenues could be more significant than the \$200 million shift of sales tax revenues discussed above.

Figure 2

**Major Fiscal Effects of Proposition 31**

	State Government	Local Government
<b>Authorizes and Funds Local Government Plans</b>		
Funding for plans	\$200 million annual reduction in revenues.	\$200 million annual increase in revenues to local governments in counties that develop plans.
Effects of the new plans	Cannot be predicted, but potentially significant.	Cannot be predicted, but potentially significant in some counties.
<b>Restricts Legislature's Ability to Pass Certain Bills</b>	Potentially lower spending—or higher revenues—based on future actions of the Legislature.	Potential changes in state funding for local programs based on future actions of the Legislature.
<b>Expands Governor's Ability to Reduce State Spending</b>	Potentially lower spending in some years.	Potentially less state funding for local programs in some years.
<b>Changes Public Budgeting and Oversight Procedures</b>		
Implementation costs	Potentially millions to tens of millions of dollars annually, moderating over time.	Potentially millions to tens of millions of dollars annually, moderating over time.
Effects of new requirements	Cannot be predicted.	Cannot be predicted.

**BALLOT TITLE AND SUMMARY**

**STATE BUDGET. STATE AND LOCAL GOVERNMENT. INITIATIVE  
CONSTITUTIONAL AMENDMENT AND STATUTE.**

- Establishes two-year state budget cycle.
- Prohibits Legislature from creating expenditures of more than \$25 million unless offsetting revenues or spending cuts are identified.
- Permits Governor to cut budget unilaterally during declared fiscal emergencies if Legislature fails to act.
- Requires performance reviews of all state programs.
- Requires performance goals in state and local budgets.
- Requires publication of bills at least three days prior to legislative vote.
- Allows local governments to alter how laws governing state-funded programs apply to them, unless Legislature or state agency vetoes change within 60 days.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Decreased state sales tax revenues of about \$200 million annually, with a corresponding increase of funding to certain local governments.
- Other, potentially more significant changes in state and local spending and revenues, the magnitude of which would depend on future decisions by public officials.

**BALLOT LABEL**

**STATE BUDGET. STATE AND LOCAL GOVERNMENT. INITIATIVE  
CONSTITUTIONAL AMENDMENT AND STATUTE.** Establishes two-year state budget.  
Sets rules for offsetting new expenditures, and Governor budget cuts in fiscal emergencies.  
Local governments can alter application of laws governing state-funded programs. Fiscal  
Impact: Decreased state sales tax revenues of \$200 million annually, with corresponding  
increases of funding to local governments. Other, potentially more significant changes in state  
and local budgets, depending on future decisions by public officials.



## ARGUMENTS IN FAVOR OF PROPOSITION 31

In good times and bad, California has long had a state budget deficit, with politicians spending more money than state government brings in—much of it lost to waste, abuse and over-borrowing. Budgets are often based on the influence of special interests rather than the outcomes Californians want to achieve. Proposition 31 forces state politicians to finally live within their means, and it gives voters and taxpayers critical information to hold politicians accountable.

The non-partisan state auditor reported in an audit of several state agencies between 2003 and 2010 that the state could have saved taxpayers approximately \$1.2 billion had the auditor's own proposals to reform operations and improve efficiency been enacted. The recent effort to create a unified Court Case Management System cost taxpayers more than \$500 million, more than \$200 million over budget, to connect just 7 of 58 counties before being abandoned.

Proposition 31 requires a real balanced budget. It stops billions of dollars from being spent without public review or citizen oversight. Unless we pass Proposition 31, hundreds of millions of dollars every year will continue to be wasted that could be better used for local schools, law enforcement and other community priorities.

Proposition 31 does not raise taxes, increase costs to taxpayers or set up any new government bureaucracy. Proposition 31 makes clear that its provisions should be implemented with



existing resources — and it will generate savings by returning tax dollars to cities and counties.

Yes on 31 will:

- **INCREASE PUBLIC INPUT AND TRANSPARENCY** – Stops the state from passing budgets without public review. Currently, the state budget has no real transparency or public reporting requirements. Proposition 31 requires state government to make available the proposed state budget for public review for a minimum of three days before lawmakers vote on it.
- **IMPOSE FISCAL OVERSIGHT AND CONSTRAINTS ON NEW GOVERNMENT SPENDING** – Proposition 31 prohibits the state from funding any new expenditure or decreasing revenues of more than \$25 million without first identifying a funding source.
- **INCREASE LOCAL CONTROL AND FLEXIBILITY** – The 2012 state budget took \$1.4 billion away from local government. Proposition 31 returns up to \$200 million to local government to be used for local priorities. It provides cities, counties, and school districts more flexibility and authority to design services that improve results and meet local needs.
- **REQUIRE PERFORMANCE AND RESULTS IN BUDGETS** – Requires state and local governments to focus budgets on achievement of measurable results, and provides accountability by requiring the state legislature and local governments to issue regular

**SUBJECT TO COURT  
ORDERED CHANGES**

public performance reports, and evaluate the effectiveness of programs before additional spending decisions are made.

- **REQUIRE PERFORMANCE REVIEWS OF STATE GOVERNMENT PROGRAMS** – Requires all state government programs to be publicly reviewed for performance to identify ways to improve results — or shift their funding to more efficient and effective programs.
- **REQUIRE A TWO-YEAR STATE BUDGET** – Prevents politicians from passing short-term budget gimmicks. Requires lawmakers to develop long-term fiscal solutions.

Vote YES on 31. Limit Government Spending - Increase Public Confidence in State Budgeting.

Word count: 498

Signed by:

The Hon. Cruz Reynoso, California Supreme Court Justice (Ret.)

The Hon. Delaine A. Eastin, Former Superintendent of Public Instruction

Prof. James Fishkin, PhD, Stanford University

## REBUTTAL TO ARGUMENT IN FAVOR OF

### PROPOSITION 31

PROPOSITION 31 WON'T BALANCE THE BUDGET, INCREASE PUBLIC INPUT OR IMPROVE PERFORMANCE.

If Proposition 31 actually did what its argument promises, WE would support it. But it doesn't. Instead it adds complicated new rules, restrictions and requirements, inserted into California's Constitution. It makes government more cumbersome, more expensive, slower, and less effective. The provisions are so confusing and ambiguous that it will take years of lawsuits for the courts to sort out what it means.

PROPOSITION 31 WILL INCREASE COSTS, INCREASE BUREAUCRATIC CONTROL, AND UNDERMINE PUBLIC PROTECTIONS.

It allows local politicians to override or alter laws they don't like, undermining protections for air quality, public health, worker safety WITHOUT A VOTE OF THE PEOPLE.

PROPOSITION 31 WILL MAKE IT ALMOST IMPOSSIBLE TO CUT TAXES OR INCREASE FUNDING FOR EDUCATION.

It prohibits tax cuts unless other taxes are raised or programs cut, and prevents increases in funding for schools unless taxes are raised or other programs cut.

PROPOSITION 31 HAS SO MANY FLAWS THAT SEVERAL MEMBERS OF THE SPONSORING ORGANIZATION RESIGNED IN PROTEST OVER THE DECISION TO SUBMIT IT TO VOTERS.

Bob Balgenorth, a former board member of California Forward Action Fund, the organization behind Proposition 31 said it "contains serious flaws....and will further harm California." In his letter of resignation he said that he was "disappointed that California Forward submitted signatures to the Secretary of State without correcting the flaws in the initiative."

**SUBJECT TO COURT  
ORDERED CHANGES**

REBUTTAL TO ARGUMENT IN FAVOR OF

PROPOSITION 31

WE CAN'T AFFORD ANOTHER FLAWED INITIATIVE. VOTE NO ON PROPOSITION  
31.

Anthony Wright  
Executive Director  
Health Access California

Lacy Barnes  
Senior Vice-President  
California Federation of Teachers

Lenny Goldberg  
Executive Director  
California Tax Reform Association



## ARGUMENT AGAINST PROPOSITION **31**

PROPOSITION 31 IS SO POORLY WRITTEN AND CONTRADICTORY THAT IT WILL LEAD TO LAWSUITS AND CONFUSION, NOT REFORM.

We all want reform, but instead Proposition 31 adds bureaucracy and creates new problems. It adds layer upon layer of restrictions and poorly defined requirements, leaving key decisions up to unelected bureaucrats, decisions such as whether tax cuts are allowed or programs can be changed—decisions that will be challenged in court year after year. We need real reform not more lawsuits.

PROPOSITION 31 WILL SHIFT \$200 MILLION FROM EDUCATION AND OTHER VITAL FUNCTIONS TO FUND EXPERIMENTAL COUNTY PROGRAMS.

The state can barely pay its bills now. And the majority of the state's budget goes to education. Yet this measure transfers \$200 million per year from state revenues into a special account to pay for experimental county programs. This is not the time to gamble with money that should be spent on our highest priorities.

PROPOSITION 31 WILL PREVENT THE STATE FROM INCREASING FUNDING FOR EDUCATION UNLESS IT RAISES TAXES OR CUTS OTHER PROGRAMS—EVEN IF THE MONEY IS AVAILABLE.

As strange as it seems, Proposition 31 actually prevents the state from adopting improvements to programs like education or increasing funding to schools even if it has the money to do so, UNLESS IT RAISES TAXES or cuts other programs. This provision could tie up additional funding for schools for years.

PROPOSITION 31 PREVENTS THE STATE FROM CUTTING TAXES UNLESS IT RAISES OTHER TAXES OR CUTS PROGRAMS—EVEN IF THE STATE IS RUNNING A BUDGET SURPLUS.

The contradictory nature of these tax provisions would prohibit the state from cutting one tax unless it raises another, even when there is a budget surplus—either this was intended to prevent the

state from cutting your taxes or is another case—a serious case—of careless drafting. And, Proposition 31 locks this into the State Constitution.

PROPOSITION 31 THREATENS OUR PUBLIC HEALTH, WATER QUALITY AND PUBLIC SAFETY BY ALLOWING COUNTIES TO OVERRIDE OR ALTER CRITICAL STATE LAWS.

California has adopted statewide standards to protect public health, prevent contamination of air and water and provide for the safety of its citizens. Proposition 31 contains a provision that allows local politicians to alter or override these laws WITHOUT A VOTE OF THE PEOPLE, and without an effective way to prevent abuse.

PROPOSITION 31 WILL COST TENS OF MILLIONS OF DOLLARS PER YEAR FOR ADDITIONAL GOVERNMENT PROCESS AND BUREAUCRACY—TO DO WHAT GOVERNMENT IS ALREADY SUPPOSED TO DO.

Performance based budgeting is more of a slogan than anything else. <sup>It's</sup> ~~been~~ been tried many times before. The one thing we know it will do is raise costs. The official fiscal analysis ~~by~~ by the non-partisan Legislative Analyst's Office says ~~it~~ it will raise the costs of government by tens of millions of dollars per year for new budgeting practices, ~~with~~ with no guarantee ~~any~~ any improvement will result. Certain costs, uncertain results.

We all want reform, but Proposition 31 will make things worse, not better.

JOIN US IN VOTING NO ON PROPOSITION 31.

Sarah Rose  
Chief Executive Officer  
California League of Conservation Voters

Joshua Pechthalt  
President  
California Federation of Teachers

Ron Cottingham

**SUBJECT TO COURT  
ORDERED CHANGES**

President  
Peace Officers Research Association of California

# REBUTTAL TO ARGUMENT AGAINST

## PROPOSITION 31

### PROPOSITION 31 REBUTTAL ARGUMENTS

“Proposition 31 creates greater transparency, public review, and oversight over state and local government. This government accountability measure will protect environmental safeguards and worker protections while making sure taxpayers aren't taken advantage of by special interests and lobbying groups.” – **Hon. Cruz Reynoso, California Supreme Court Justice (ret.)**

“It's time to shine a light on California's budget process – no more multi-billion dollar deficit surprises. We need reforms that will work, not business as usual.” - **Professor James Fishkin, Stanford University**

“Proposition 31 will lessen the state temptation to borrow and spend. Prop 31 provides incentives to local governments and community schools to focus on improving education and increasing public safety. YES on Proposition 31 is a yes for California schools and students.” – **Hon. Delaine Eastin, former State Superintendent of Public Instruction**

#### **YES on Proposition 31 will:**

- Not raise taxes or require increased government spending.
- Prevent state government from spending money we don't have.
- Add transparency to a budget process currently prepared behind closed doors.
- Shift more control and flexibility from Sacramento to cities and counties.
- Require state and local governments to publicly report results before spending more money.



REBUTTAL TO ARGUMENT AGAINST

PROPOSITION 31

Please review the measure for yourself at [www.SOS.ca.gov](http://www.SOS.ca.gov) and help prevent further waste in government spending.

Proposition 31 meets the highest standards of constitutional change requirements. The measure is well written, legally sound, and will clearly improve the budget process and governance of California.

*Word count: 247*

**Signer: Bill Hauck, former Chairman, California Constitution Revision  
Commission**

RECEIVED

NOV 03 2011

November 1, 2011

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE**VIA MESSENGER**

Office of the Attorney General  
1300 "I" Street  
Sacramento, CA 95814

Attention: Dawn McFarland

Re: *The Government Performance and Accountability Act*

Dear Ms. McFarland:

Pursuant to Elections Code section 9001(a), we request that the Attorney General prepare a title and summary of a measure entitled "The Government Performance and Accountability Act." The text of the measure, a check for \$200.00, the addresses at which we are registered to vote and the certifications required by Elections Code sections 9001(b) and 9608 are enclosed.

Please direct all correspondence and inquiries regarding this measure to:

Robin B. Johansen  
James C. Harrison  
Remcho, Johansen & Purcell, LLP  
201 Dolores Avenue  
San Leandro, CA 94577  
Phone: (510) 346-6200  
Fax: (510) 346-6201

Sincerely,



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November 3, 2011

**VIA MESSENGER**

Office of the Attorney General  
1300 "I" Street  
Sacramento, CA 95814

Attention: Dawn McFarland

Re: *The Government Performance and Accountability Act*

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Fax: (510) 346-6201

Sincerely,

  
\_\_\_\_\_

Enclosures  
(00156289)

**The Government Performance and Accountability Act**

**SECTION ONE. Findings and Declarations.**

The People of the State of California hereby find and declare that government must be:

1. **Trustworthy.** California government has lost the confidence of its citizens and is not meeting the needs of Californians. Taxpayers are entitled to a higher return on their investment and the public deserves better results from government services.
2. **Accountable for Results.** To restore trust, government at all levels must be accountable for results. The people are entitled to know how tax dollars are being spent and how well government is performing. State and local government agencies must set measurable outcomes for all expenditures and regularly and publicly report progress toward those outcomes.
3. **Cost-Effective.** California must invest its scarce public resources wisely to be competitive in the global economy. Vital public services must therefore be delivered with increasing effectiveness and efficiency.
4. **Transparent.** It is essential that the public's business be public. Honesty and openness promote and preserve the integrity of democracy and the relationship between the people and their government.
5. **Focused on Results.** To improve results, public agencies need a clear and shared understanding of public purpose. With this measure, the people declare that the purpose of state and local governments is to promote a prosperous economy, a quality environment, and community equity. These purposes are advanced by achieving at least the following goals: increasing employment, improving education, decreasing poverty, decreasing crime, and improving health.
6. **Cooperative.** To make every dollar count, public agencies must work together to reduce bureaucracy, eliminate duplication, and resolve conflicts. They must integrate services and adopt strategies that have been proven to work and can make a difference in the lives of Californians.
7. **Closer to the People.** Many governmental services are best provided at the local level, where public officials know their communities and residents have access to elected officials. Local governments need the flexibility to tailor programs to the needs of their communities.

8. **Supportive of Regional Job Generation.** California is composed of regional economies. Many components of economic vitality are best addressed at the regional scale. The State is obliged to enable and encourage local governments to collaborate regionally to enhance the ability to attract capital investment into regional economies to generate well-paying jobs.
9. **Willing to Listen.** Public participation is essential to ensure a vibrant and responsive democracy and a responsive and accountable government. When government listens, more people are willing to take an active role in their communities and their government.
10. **Thrifty and Prudent.** State and local governments today spend hundreds of millions of dollars on budget processes that do not tell the public what is being accomplished. Those same funds can be better used to develop budgets that link dollars to goals and communicate progress toward those goals, which is a primary purpose of public budgets.

## **SECTION TWO. Purpose and Intent.**

In enacting this measure, the People of the State of California intend to:

1. Improve results and accountability to taxpayers and the public by improving the budget process for the State and local governments with existing resources.
2. Make state government more efficient, effective, and transparent through a state budget process that does the following:
  - a. Focuses budget decisions on what programs are trying to accomplish and whether progress is being made.
  - b. Requires the development of a two-year budget and a review of every program at least once every five years to make sure money is well spent over time.
  - c. Requires major new programs and tax cuts to have clearly identified funding sources before they are enacted.
  - d. Requires legislation – including the Budget Act – to be public for three days before lawmakers can vote on it.
3. Move government closer to the people by enabling and encouraging local governments to work together to save money, improve results, and restore accountability to the public through the following:

- a. Focusing local government budget decisions on what programs are trying to accomplish and whether progress is being made.
  - b. Granting counties, cities, and schools the authority to develop, through a public process, a Community Strategic Action Plan for advancing community priorities that they cannot achieve by themselves.
  - c. Granting local governments that approve an Action Plan flexibility in how they spend state dollars to improve the outcomes of public programs.
  - d. Granting local governments that approve an Action Plan the ability to identify state statutes or regulations that impede progress and a process for crafting a local rule for achieving a state requirement.
  - e. Encouraging local governments to collaborate to achieve goals more effectively addressed at a regional scale.
  - f. Providing some state funds as an incentive to local governments to develop Action Plans.
  - g. Requiring local governments to report their progress annually and evaluate their efforts every four years as a condition of continued flexibility – thus restoring accountability of local elected officials to local voters and taxpayers.
4. Involve the people in identifying priorities, setting goals, establishing measurements of results, allocating resources in a budget, and monitoring progress.
  5. Implement the budget reforms herein using existing resources currently dedicated to the budget processes of the State and its political subdivisions without significant additional funds. Further, establish the Performance and Accountability Trust Fund from existing tax bases and revenues. No provision herein shall require an increase in any taxes or modification of any tax rate or base.

**SECTION THREE. Section 8 of Article IV of the California Constitution is hereby amended to read:**

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring. No bill other than a bill containing an urgency clause that is passed in a special session called by the Governor to address a state of emergency declared by the Governor arising out of a natural disaster or a terrorist attack may be passed until the bill with amendments has been in printed and distributed to the members and available to the public for at least 3 days. No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) (1) Except as provided in paragraphs (2) and (3) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

(3) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each

by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

**SECTION FOUR. Section 9.5 is hereby added to Article IV of the California Constitution to read:**

SEC. 9.5. A bill passed by the Legislature that (1) establishes a new state program, including a state-mandated local program described in Section 6 of Article XIII B, or a new agency, or expands the scope of such an existing state program or agency, the effect of which would, if funded, be a net increase in state costs in excess of twenty-five million dollars (\$25,000,000) in that fiscal year or in any succeeding fiscal year, or (2) reduces a state tax or other source of state revenue, the effect of which will be a net decrease in state revenue in excess of twenty-five million dollars (\$25,000,000) in that fiscal year or in any succeeding fiscal year, is void unless offsetting state program reductions or additional revenue, or a combination thereof, are provided in the bill or another bill in an amount that equals or exceeds the net increase in state costs or net decrease in state revenue. The twenty-five million dollar (\$25,000,000) threshold specified in this section shall be adjusted annually for inflation pursuant to the California Consumer Price Index.

**SECTION FIVE. Section 10 of Article IV of the California Constitution is hereby amended to read:**

SEC. 10. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if it is signed by the Governor. The Governor may veto it by returning it with any objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two-thirds of the membership concurring, it becomes a statute.

(b) (1) Any bill, other than a bill which would establish or change boundaries of any legislative, congressional, or other election district, passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, that is not returned within 30 days after that date becomes a statute.

(2) Any bill passed by the Legislature before June 30 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after June 30 that is not returned on or before July 31 of that year becomes a statute. In addition, any bill passed by the Legislature before September 1 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after



September 1 that is not returned on or before September 30 of that year becomes a statute.

(3) Any other bill presented to the Governor that is not returned within 12 days becomes a statute.

(4) If the Legislature by adjournment of a special session prevents the return of a bill with the veto message, the bill becomes a statute unless the Governor vetoes the bill within 12 days after it is presented by depositing it and the veto message in the office of the Secretary of State.

(5) If the 12th day of the period within which the Governor is required to perform an act pursuant to paragraph (3) or (4) of this subdivision is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.

(c) (1) Any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by January 31 of the second calendar year of the biennium may no longer be acted on by the house. No bill may be passed by either house on or after September 1 of an even-numbered year June 30 of the second year of the biennium except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, bills that take effect immediately, and bills passed after being vetoed by the Governor.

(2) No bill may be introduced or considered in the second year of the biennium that is substantially the same and has the same effect as any introduced or amended version of a measure that did not pass the house of origin by January 31 of the second calendar year of the biennium as required in paragraph (1).

(d) (1) The Legislature may not present any bill to the Governor after November 15 of the second calendar year of the biennium of the legislative session. On the first Monday following July 4 of the second year of the biennium, the Legislature shall convene, as part of its regular session, to conduct program oversight and review. The Legislature shall establish an oversight process for evaluating and improving the performance of programs undertaken by the State or by local agencies implementing state-funded programs on behalf of the State based on performance standards set forth in statute and in the biennial Budget Act. Within one year of the effective date of this provision, a review schedule shall be established for all state programs whether managed by a state or local agency implementing state-funded programs on behalf of the State. The schedule shall sequence the review of similar programs so that relationships among program objectives can be identified and reviewed. The review process shall result in recommendations in the form of proposed legislation that improves or terminates programs. Each program shall be reviewed at least once every five years.

(2) The process established for program oversight under paragraph (1) shall also include a review of Community Strategic Action Plans adopted pursuant to Article XI A for the purpose of determining whether any state statutes or regulations that have been identified by the participating local government agencies as state obstacles to improving results should be amended or repealed as requested by the participating local government agencies based on a review of at least three years of experience with the Community Strategic Action Plans. The review shall assess whether the Action Plans have improved the delivery and effectiveness of services in all parts of the community identified in the plan.

(e) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. The Governor shall append to the bill a statement of the items reduced or eliminated with the reasons for the action. The Governor shall transmit to the house originating the bill a copy of the statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

(f) (1) If, following the enactment of the budget bill for the 2004-05 fiscal year or any subsequent fiscal year, the Governor determines that, for that fiscal year, General Fund revenues will decline substantially below the estimate of General Fund revenues upon which the budget bill for that fiscal year, as enacted, was based, or General Fund expenditures will increase substantially above that estimate of General Fund revenues, or both, the Governor may issue a proclamation declaring a fiscal emergency and shall thereupon cause the Legislature to assemble in special session for this purpose. The proclamation shall identify the nature of the fiscal emergency and shall be submitted by the Governor to the Legislature, accompanied by proposed legislation to address the fiscal emergency. In response to the Governor's proclamation, the Legislature may present to the Governor a bill or bills to address the fiscal emergency.

(2) If the Legislature fails to pass and send to the Governor a bill or bills to address the fiscal emergency by the 45th day following the issuance of the proclamation, the Legislature may not act on any other bill, nor may the Legislature adjourn for a joint recess, until that bill or those bills have been passed and sent to the Governor.

(3) A bill addressing the fiscal emergency declared pursuant to this section shall contain a statement to that effect. For purposes of paragraphs (2) and (4), the inclusion of this statement shall be deemed to mean conclusively that the bill addresses the fiscal emergency. A bill addressing the fiscal emergency declared pursuant to this section that contains a statement to that effect, and is passed and sent to the Governor by the 45th day following the issuance of the proclamation declaring the fiscal emergency, shall take effect immediately upon enactment.

(4) (A) If the Legislature has not passed and sent to the Governor a bill or bills to address a fiscal emergency by the 45th day following the issuance of the proclamation declaring the fiscal emergency, the Governor may, by executive order, reduce or eliminate any existing General Fund appropriation for that fiscal year to the extent the appropriation is not otherwise required by this Constitution or by federal law. The total amount of appropriations reduced or eliminated by the Governor shall be limited to the amount necessary to cause General Fund expenditures for the fiscal year in question not to exceed the most recent estimate of General Fund revenues made pursuant to paragraph (1).

(B) If the Legislature is in session, it may, within 20 days after the Governor issues an executive order pursuant to subparagraph (A), override all or part of the executive order by a rollcall vote entered in the journal, two-thirds of the membership of each house concurring. If the Legislature is not in session when the Governor issues the executive order, the Legislature shall have 30 days to reconvene and override all or part of the executive order by resolution by the vote indicated above. An executive order or a part thereof that is not overridden by the Legislature shall take effect the day after the period to override the executive order has expired. Subsequent to the 45th day following the issuance of the proclamation declaring the fiscal emergency, the prohibition set forth in paragraph (2) shall cease to apply when (i) one or more executive orders issued pursuant to this paragraph have taken effect, or (ii) the Legislature has passed and sent to the Governor a bill or bills to address the fiscal emergency.

(C) A bill to restore balance to the budget pursuant to subparagraph (B) may be passed in each house by rollcall vote entered in the journal, a majority of the membership concurring, to take effect immediately upon being signed by the Governor or upon a date specified in the legislation, provided, however, that any bill that imposes a new tax or increases an existing tax must be passed by a two-thirds vote of the members of each house of the Legislature.

**SECTION SIX. Section 12 of Article IV of the California Constitution is hereby amended to read:**

SEC. 12. (a) (1) Within the first 10 days of each odd-numbered calendar year, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing two fiscal years, containing itemized statements for recommended state expenditures and estimated total state revenues resources available to meet those expenditures. The itemized statement of estimated total state resources available to meet recommended expenditures submitted pursuant to this subdivision shall identify the amount, if any, of those resources that are anticipated to be one-time resources. The two-year budget, which shall include a budget for the budget year and a budget for the succeeding fiscal year, shall be known collectively as the biennial budget. Within the

first 10 days of each even-numbered year, the Governor may submit a supplemental budget to amend or augment the enacted biennial budget.

(b) The biennial budget shall contain all of the following elements to improve performance and accountability:

- (1) An estimate of the total resources available for the expenditures recommended for the budget year and the succeeding fiscal year.
- (2) A projection of anticipated expenditures and anticipated revenues for the three fiscal years following the fiscal year succeeding the budget year.
- (3) A statement of how the budget will promote the purposes of achieving a prosperous economy, quality environment, and community equity, by working to achieve at least the following goals: increasing employment; improving education; decreasing poverty; decreasing crime; and improving health.
- (4) A description of the outcome measures that will be used to assess progress and report results to the public and of the performance standards for state agencies and programs.
- (5) A statement of the outcome measures for each major expenditure of state government for which public resources are proposed to be appropriated in the budget and their relationship to the overall purposes and goals set forth in paragraph (3).
- (6) A statement of how the State will align its expenditure and investment of public resources with that of other government entities that implement state functions and programs on behalf of the State to achieve the purposes and goals set forth in paragraph (3).
- (7) A public report on progress in achieving the purposes and goals set forth in paragraph (3) and an evaluation of the effectiveness in achieving the purposes and goals according to the outcome measures set forth in the preceding year's budget.

(c) If, for the budget year and the succeeding fiscal year, collectively, recommended expenditures exceed estimated revenues, the Governor shall recommend reductions in expenditures or the sources from which the additional revenues should be provided or both. To the extent practical, the recommendations shall include an analysis of the long-term impact that expenditure reductions or additional revenues would have on the state economy. Along with the biennial budget, the Governor shall submit to the Legislature, any legislation required to implement appropriations contained in the biennial budget.

together with a five-year capital infrastructure and strategic growth plan, as specified by statute.

(d) If the Governor's budget proposes to (1) establish a new state program, including a state-mandated local program described in Section 6 of Article XIII B, or a new agency, or expand the scope of an existing state program or agency, the effect of which would, if funded, be a net increase in state costs in excess of twenty-five million dollars (\$25,000,000) in that fiscal year or in any succeeding fiscal year, or (2) reduce a state tax or other source of state revenue, the effect of which will be a net decrease in state revenue in excess of twenty-five million dollars (\$25,000,000) in that fiscal year or any succeeding fiscal year, the budget shall propose offsetting state program reductions or additional revenue, or a combination thereof, in an amount that equals or exceeds the net increase in state costs or net decrease in state revenue. The twenty-five million dollar (\$25,000,000) threshold specified in this subdivision shall annually be adjusted for inflation pursuant to the California Consumer Price Index.

(be) The Governor and the Governor-elect may require a state agency, officer or employee to furnish whatever information is deemed necessary to prepare the biennial budget and any supplemental budget.

(ef) (1) The biennial budget and any supplemental budget shall be accompanied by a budget bill itemizing recommended expenditures for the budget year and the succeeding fiscal year. A supplemental budget bill shall be accompanied by a bill proposing the supplemental budget.

(2) The budget bill and other bills providing for appropriations related to the budget bill or a supplemental budget bill, as submitted by the Governor, shall be introduced immediately in each house by the persons chairing the committees that consider the budget.

(3) On or before May 1 of each year, after the appropriate committees of each house of the Legislature have considered the budget bill, each house shall refer the budget bill to a joint committee of the Legislature, which may include a conference committee, which shall review the budget bill and other bills providing for appropriations related to the budget bill and report its recommendations to each house no later than June 1 of each year. This shall not preclude the referral of any of these bills to policy committees in addition to a joint committee.

(3)(4) The Legislature shall pass the budget bill and other bills providing for appropriations related to the budget bill by midnight on June 15 of each year. Appropriations made in the budget bill, or in other bills providing for appropriations

related to the budget bill, for the succeeding fiscal year shall not be expended in the budget year.

~~(4)~~(5) Until the budget bill has been enacted, the Legislature shall not send to the Governor for consideration any bill appropriating funds for expenditure during the ~~fiscal budget year or the succeeding fiscal year for which the budget bill is to be enacted~~, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

(dg) No bill except the budget bill or the supplemental budget bill may contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the General Fund of the State, except appropriations for the public schools and appropriations in the budget bill, the supplemental budget bill, and in other bills providing for appropriations related to the budget bill, are void unless passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring.

(eh) (1) Notwithstanding any other provision of law or of this Constitution, the budget bill, the supplemental budget bill, and other bills providing for appropriations related to the budget bill may be passed in each house by rollcall vote entered in the journal, a majority of the membership concurring, to take effect immediately upon being signed by the Governor or upon a date specified in the legislation. Nothing in this subdivision shall affect the vote requirement for appropriations for the public schools contained in subdivision (dg) of this section and in subdivision (b) of Section 8 of this article.

(2) For purposes of this section, "other bills providing for appropriations related to the budget bill or a supplemental budget bill" shall consist only of bills identified as related to the budget in the budget bill or in the supplemental budget bill passed by the Legislature.

(3) For purposes of this section, "budget bill" shall mean the bill or bills containing the budget for the budget year and the succeeding fiscal year.

(fi) The Legislature may control the submission, approval, and enforcement of budgets and the filing of claims for all state agencies.

(gj) (1) For the 2004-05 fiscal year, or any subsequent fiscal year, the Legislature ~~may~~ shall not send to the Governor for consideration, nor ~~may~~ shall the Governor sign into law, a budget bill for the budget year or for the succeeding fiscal year that would appropriate from the General Fund, for ~~that~~ each fiscal year of the biennial budget, a total amount that, when combined with all appropriations from the General Fund for that fiscal year made as of the date of the budget bill's passage, and the amount of any General Fund moneys transferred to the Budget Stabilization Account for that fiscal year pursuant

to Section 20 of Article XVI, exceeds General Fund revenues, transfers, and balances available from the prior fiscal year for that fiscal year estimated as of the date of the budget bill's passage. The estimate of General Fund revenues, transfers, and balances shall be set forth in the budget bill passed by the Legislature. The budget bill passed by the Legislature shall also contain a statement of the total General Fund obligations described in this subdivision for each fiscal year of the biennial budget, together with an explanation of the basis for the estimate of General Fund revenues, including an explanation of the amount by which the Legislature projects General Fund revenues for that fiscal year to differ from General Fund revenues for the immediately preceding fiscal year.

(~~hk~~) Notwithstanding any other provision of law or of this Constitution, including subdivision (ef) of this section, Section 4 of this article, and Sections 4 and 8 of Article III, in any year in which the budget bill is not passed by the Legislature by midnight on June 15, there shall be no appropriation from the current budget or future budget to pay any salary or reimbursement for travel or living expenses for Members of the Legislature during any regular or special session for the period from midnight on June 15 until the day that the budget bill is presented to the Governor. No salary or reimbursement for travel or living expenses forfeited pursuant to this subdivision shall be paid retroactively.

**SECTION SEVEN. Article XI A is hereby added to the California Constitution to read:**

ARTICLE XI A. COMMUNITY STRATEGIC ACTION PLANS

SEC. 1. (a) Californians expect and require that local government entities publicly explain the purpose of expenditures and whether progress is being made toward their goals. Therefore, in addition to the requirements of any other provision of this Constitution, the adopted budget of each local government entity shall contain all of the following as they apply to the entity's powers and duties:

(1) A statement of how the budget will promote, as applicable to a local government entity's functions, role, and locally-determined priorities, a prosperous economy, quality environment, and community equity, as reflected in the following goals: increasing employment, improving education, decreasing poverty, decreasing crime, improving health, and other community priorities;

(2) A description of the overall outcome measurements that will be used to assess progress in all parts of the community toward the goals established by the local government entity pursuant to paragraph (1);

(3) A statement of the outcome measurement for each major expenditure of government for which public resources are appropriated in the budget and the relationship to the overall goals established by the local government entity pursuant to paragraph (1);

(4) A statement of how the local government entity will align its expenditure and investment of public resources to achieve the goals established by the local government entity pursuant to paragraph (1); and

(5) A public report on progress in achieving the goals established by the local government entity pursuant to paragraph (1) and an evaluation of the effectiveness in achieving the outcomes according to the measurements set forth in the previous year's budget.

(b) Each local government entity shall develop and implement an open and transparent process that encourages the participation of all aspects of the community in the development of its proposed budget, including identifying community priorities pursuant to paragraph (1) of subdivision (a) of this section.

(c) This section shall become operative in the budget year of the local government entity which commences in the year 2014.

(d) The provisions of this section are self-executing and are to be interpreted to apply only to those activities over which local entities exercise authority.

SEC. 2. (a) A county, by action of the board of supervisors, may initiate the development of a Community Strategic Action Plan, hereinafter referred to as the Action Plan. The county shall invite the participation of all other local government entities within the county whose existing functions or services are within the anticipated scope of the Action Plan. Any local government entity within the county may petition the board of supervisors to initiate an Action Plan, to be included in the planning process, or to amend the Action Plan.

(b) The participating local government entities shall draft an Action Plan through an open and transparent process that encourages the participation of all aspects of the community, including neighborhood leaders. The Action Plan shall include the following:

(1) A statement that (A) outlines how the Action Plan will achieve the purposes and goals set forth in paragraphs (1) through (5), inclusive, of subdivision (a) of Section 1 of this article, (B) describes the public services that will be delivered pursuant to the Action Plan and the roles and responsibilities of the participating entities, (C) explains why those services will be delivered more effectively and



efficiently pursuant to the Action Plan, (D) provides for an allocation of resources to support the plan, including funds that may be received from the Performance and Accountability Trust Fund, (E) considers disparities within communities served by the Action Plan, and (F) explains how the Action Plan is consistent with the budgets adopted by the participating local government entities;

(2) The outcomes desired by the participating local government entities and how those outcomes will be measured; and

(3) A method for regularly reporting outcomes to the public and to the State.

(c) (1) The Action Plan shall be submitted to the governing bodies of each of the participating local government entities within the county. To ensure a minimum level of collaboration, the Action Plan must be approved by the county, local government entities providing municipal services pursuant to the Action Plan to at least a majority of the population in the county, and one or more school districts serving at least a majority of the public school pupils in the county.

(2) The approval of the Action Plan, or an amendment to the Action Plan, by a local government entity, including the county, shall require a majority vote of the membership of the governing body of that entity. The Action Plan shall not apply to any local government entity that does not approve the Action Plan as provided in this paragraph.

(d) Once an Action Plan is adopted, a county may enter into contracts that identify and assign the duties and obligations of each of the participating entities, provided that such contracts are necessary for implementation of the Action Plan and are approved by a majority vote of the governing body of each local government entity that is a party to the contract.

(e) Local government entities which have adopted an Action Plan pursuant to this section and that have satisfied the requirements of Section 3 of this article, if applicable, may integrate state or local funds that are allocated to them for the purpose of providing the services identified by the Action Plan in a manner that will advance the goals of the Action Plan.

SEC. 3. (a) If the parties to an Action Plan adopted pursuant to Section 2 of this article conclude that a state statute or regulation, including a statute or regulation restricting the expenditure of funds, impedes progress toward the goals of the Action Plan or they need additional statutory authority to implement the Action Plan, the local government entities may include provisions in the Action Plan that are functionally equivalent to the objective or objectives of the applicable statute or regulation. The provision shall include a description of the intended state objective, of how the rule is an obstacle to better

outcomes, of the proposed community rule, and how the community rule will contribute to better outcomes while advancing a prosperous economy, quality environment, and community equity. For purposes of this section, a provision is functionally equivalent to the objective or objectives of a statute or regulation if it substantially complies with the policy and purpose of the statute or regulation.

(b) The parties shall submit an Action Plan containing the functionally equivalent provisions described in subdivision (a) with respect to one or more state statutes to the Legislature during a regular or special session. If, within 60 days following its receipt of the Action Plan, the Legislature takes no concurrent action, by resolution or otherwise, to disapprove the provisions, the provisions shall be deemed to be operative, with the effect in law that compliance with the provisions shall be deemed compliance with the state statute or statutes.

(c) If the parties to an Action Plan adopted pursuant to Section 2 of this article conclude that a regulation impedes the goals of the Action Plan, they may follow the procedure described in subdivision (a) of this section by submitting their proposal to the agency or department responsible for promulgating or administering the regulation, which shall consider the proposal within 60 days. If, within 60 days following its receipt of the Action Plan, the agency or department takes no action to disapprove the provisions, the provisions shall be deemed to be operative, with the effect in law that compliance with the provisions shall be deemed compliance with the state regulation or regulations. Any action to disapprove the provision shall include a statement setting forth the reasons for doing so.

(d) This section shall only apply to statutes or regulations that directly govern the administration of a state program that is financed in whole or in part with state funds.

(e) Any authority granted pursuant to this section shall automatically expire four years after the effective date, unless renewed pursuant to this section.

SEC. 4. (a) The Performance and Accountability Trust Fund is hereby established in the State Treasury for the purpose of providing state resources for the implementation of integrated service delivery contained in the Community Strategic Action Plans prepared pursuant to this article. Notwithstanding Section 13340 of the Government Code, money in the fund shall be continuously appropriated solely for the purposes provided in this article. For purposes of Section 8 of Article XVI, the revenues transferred to the Performance and Accountability Trust Fund pursuant to this Act shall be considered General Fund proceeds of taxes which may be appropriated pursuant to Article XIII B.

(b) Money in the Performance and Accountability Trust Fund shall be distributed according to statute to counties whose Action Plans include a budget for expenditure of the funds that satisfies Sections 1 and 2 of this article.

(c) Any funds allocated to school districts pursuant to an Action Plan must be paid for from a revenue source other than the Performance and Accountability Trust Fund, and may be paid from any other source as determined by the entities participating in the Action Plan. The allocation received by any school district pursuant to an Action Plan shall not be considered General Fund proceeds of taxes or allocated local proceeds of taxes for purposes of Section 8 of Article XVI.

SEC. 5. A county that has adopted an Action Plan pursuant to Section 2 of this article shall evaluate the effectiveness of the Action Plan at least once every four years. The evaluation process shall include an opportunity for public comments, and for those comments to be included in the final report. The evaluation shall be used by the participating entities to improve the Action Plan and by the public to assess the performance of its government. The evaluation shall include a review of the extent to which the Action Plan has achieved the purposes and goals set forth in paragraphs (1) through (5), inclusive, of subdivision (a) of Section 1 of this article, including: improving the outcomes among the participating entities in the delivery and effectiveness of the applicable governmental services; progress toward reducing community disparities; and whether the individuals or community members receiving those services were represented in the development and implementation of the Action Plan.

SEC. 6. (a) The State shall consider how it can help local government entities deliver services more effectively and efficiently through an Action Plan adopted pursuant to Section 2 of this article. Consistent with this goal, the State or any department or agency thereof may enter into contracts with one or more local government entities that are participants in an Action Plan to perform any function that the contracting parties determine can be more efficiently and effectively performed at the local level. Any contract made pursuant to this section shall conform to the Action Plan adopted pursuant to the requirements of Section 2 of this article.

(b) The State shall consider and determine how it can support, through financial and regulatory incentives, efforts by local government entities and representatives of the public to work together to address challenges and to resolve problems that local government entities have voluntarily and collaboratively determined are best addressed at the geographic scale of a region in order to advance a prosperous economy, quality environment, and community equity. The State shall promote the vitality and global competitiveness of regional economies and foster greater collaboration among local governments within regions by providing priority consideration for state-administered

funds for infrastructure and human services, as applicable, to those participating local government entities that have voluntarily developed a regional collaborative plan and are making progress toward the purposes and goals of their plan, which shall incorporate the goals and purposes set forth in paragraphs (1) through (5), inclusive, of subdivision (a) of Section 1 of this article.

SEC. 7. Nothing in this article is intended to abrogate or supersede any existing authority enjoyed by local government entities, nor to discourage or prohibit local government entities from developing and participating in regional programs and plans designed to improve the delivery and efficiency of government services.

SEC. 8. For purposes of this article, the term "local government entity" shall mean a county, city, city and county, and any other local government entity, including school districts, county offices of education, and community college districts.

**SECTION EIGHT. Section 29 of Article XIII of the California Constitution is hereby amended to read:**

SEC. 29. (a) The Legislature may authorize counties, cities and counties, and cities to enter into contracts to apportion between them the revenue derived from any sales or use tax imposed by them that is collected for them by the State. Before the contract becomes operative, it shall be authorized by a majority of those voting on the question in each jurisdiction at a general or direct primary election.

(b) Notwithstanding subdivision (a), on and after the operative date of this subdivision, counties, cities and counties, and cities, may enter into contracts to apportion between them the revenue derived from any sales or use tax imposed by them pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or any successor provisions, that is collected for them by the State, if the ordinance or resolution proposing each contract is approved by a two-thirds vote of the governing body of each jurisdiction that is a party to the contract.

(c) Notwithstanding subdivision (a), counties, cities and counties, cities, and any other local government entity, including school districts and community college districts, that are parties to a Community Strategic Action Plan adopted pursuant to Article XI A may enter into contracts to apportion between and among them the revenue they receive from ad valorem property taxes allocated to them, if the ordinance or resolution proposing each contract is approved by a two-thirds vote of the governing body of each jurisdiction that is a party to the contract. Contracts entered into pursuant to this section shall be consistent with each participating entity's budget adopted in accordance with Section 1 of Article XI A.

**SECTION NINE. Chapter 6 (commencing with Section 55750) is hereby added to Part 2 of Division 2 of Title 5 of the Government Code to read:**

CHAPTER 6. COMMUNITY STRATEGIC ACTION PLANS.

SEC. 55750. (a) Notwithstanding Section 7101 of the Revenue and Taxation Code or any other provision of law, beginning in the 2013-14 fiscal year, the amount of revenues, net of refunds, collected pursuant to Section 6051 of the Revenue and Taxation Code and attributable to a rate of 0.035 percent shall be deposited in the State Treasury to the credit of the Performance and Accountability Trust Fund, as established pursuant to Section 4 of Article XI A of the California Constitution, and shall be used exclusively for the purposes for which that fund is created.

(b) To the extent that the Legislature reduces the sales tax base and that reduction results in less revenue to the Performance and Accountability Trust Fund than the Fund received in the 2013-14 fiscal year, the Controller shall transfer from the General Fund to the Performance and Accountability Trust Fund an amount that when added to the revenues received by the Performance and Accountability Trust Fund in that fiscal year equals the amount of revenue received by the Fund in the 2013-2014 fiscal year.

SEC. 55751. (a) Notwithstanding Section 7101 of the Revenue and Taxation Code or any other provision of law, beginning in the 2013-14 fiscal year, the amount of revenues, net of refunds, collected pursuant to section 6201 of the Revenue and Taxation Code and attributable to a rate of 0.035 percent shall be deposited in the State Treasury to the credit of the Performance and Accountability Trust Fund, as established pursuant to Section 4 of Article XI A of the California Constitution, and shall be used exclusively for the purposes for which that fund is created.

(b) To the extent that the Legislature reduces the use tax base and that reduction results in less revenue to the Performance and Accountability Trust Fund than the Fund received in the 2013-14 fiscal year, the Controller shall transfer from the General Fund to the Performance and Accountability Trust Fund an amount that when added to the revenues received by the Performance and Accountability Trust Fund in that fiscal year equals the amount of revenue received by the Fund in the 2013-14 fiscal year.

SEC. 55752. (a) In the 2014-15 fiscal year and every subsequent fiscal year, the Controller shall distribute funds in the Performance and Accountability Trust Fund established pursuant to Section 4 of Article XI A of the California Constitution to each county that has adopted a Community Strategic Action Plan that is in effect on or before June 30 of the preceding fiscal year, and that has submitted its Action Plan to the Controller for the purpose of requesting funding under this section. The distribution shall be made in the first quarter of the fiscal year. Of the total amount available for

distribution from the Performance and Accountability Trust Fund in a fiscal year, the Controller shall apportion to each county Performance and Accountability Trust Fund, which is hereby established, to assist in funding its Action Plan, a percentage equal to the percentage computed for that county under subdivision (c).

(b) As used in this section, the population served by a Community Strategic Action Plan is the population of the geographic area that is the sum of the population of all of the participating local government entities, provided that a resident served by one or more local government entities shall be counted only once. The Action Plan shall include a calculation of the population of the geographic area served by the Action Plan, according to the most recent Department of Finance demographic data.

(c) The Controller shall determine the population served by each county's Action Plan as a percentage of the total population computed for all of the Action Plans that are eligible for funding pursuant to subdivision (a).

(d) The funds provided pursuant to Section 4 of Article XI A of the California Constitution and this chapter represent in part ongoing savings that accrue to the State that are attributable to the 2011 realignment and to the measure that added this section. Four years following the first allocation of funds pursuant to this section, the Legislative Analyst's Office shall assess the fiscal impact of the Action Plans and the extent to which the plans have improved the efficiency and effectiveness of service delivery or reduced the demand for state-funded services.

**SECTION TEN. Section 42246 is hereby added to Article 2 of Chapter 7 of Part 24 of Division 3 of Title 2 of the Education Code to read:**

SEC. 42246. Funds contributed or received by a school district pursuant to its participation in a Community Strategic Action Plan authorized by Article XI A of the California Constitution shall not be considered in calculating the State's portion of the district's revenue limit under Section 42238 or any successor statute.

**SECTION ELEVEN. Section 9145 is hereby added to Article 7 of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code to read:**

SEC. 9145. For the purposes of Sections 9.5 and 12 of Article IV of the California Constitution, the following definitions shall apply:

(a) "Expand the scope of an existing state program or agency" does not include any of the following:



(1) Restoring funding to an agency or program that was reduced or eliminated in any fiscal year subsequent to the 2008-09 fiscal year to balance the budget or address a forecasted deficit.

(2) Increases in state funding for a program or agency to fund its existing statutory responsibilities, including increases in the cost of living or workload, and any increase authorized by a memorandum of understanding approved by the Legislature.

(3) Growth in state funding for a program or agency as required by federal law or a law that is in effect as of the effective date of the measure adding this section.

(4) Funding to cover one-time expenditures for a state program or agency, as so identified in the statute that appropriates the funding.

(5) Funding for a requirement described in paragraph (5) of subdivision (b) of Section 6 of Article XIII B of the California Constitution.

(b) "State costs" do not include costs incurred for the payment of principal or interest on a state general obligation bond.

(c) "Additional revenue" includes, but is not limited to, revenue to the State that results from specific changes made by federal or state law and that the state agency responsible for collecting the revenue has quantified and determined to be a sustained increase.

**SECTION TWELVE. Section 11802 is hereby added to Article 1 of Chapter 8 of Part 1 of Division 3 of Title 2 of the Government Code to read:**

SEC. 11802. No later than June 30, 2013, the Governor shall, after consultation with state employees and other interested parties, submit to the Legislature a plan to implement the performance-based budgeting provisions of Section 12 of Article IV of the California Constitution. The plan shall be fully implemented in the 2015-16 fiscal year and in each subsequent fiscal year.

**SECTION THIRTEEN. Section 13308.03 is hereby added to Article 1 of Chapter 3 of Part 3 of Division 3 of Title 2 of the Government Code to read:**

SEC. 13308.03. In addition to the requirements set forth in Section 13308, the Director of Finance shall:

(a) By May 15 of each year, submit to the Legislature and make available to the public updated projections of state revenue and state expenditures for the budget year and the succeeding fiscal year either as proposed in the budget bill pending in one or both houses of the Legislature or as appropriated in the enacted budget bill, as applicable.

(b) Immediately prior to passage of the biennial budget, or any supplemental budget, by the Legislature, submit to the Legislature a statement of total revenues and total expenditures for the budget year and the succeeding fiscal year, which shall be incorporated into the budget bill.

(c) By November 30 of each year, submit a fiscal update containing actual year-to-date revenues and expenditures for the current year compared to the revenues and expenditures set forth in the adopted budget to the Legislature. This requirement may be satisfied by the publication of the Fiscal Outlook Report by the Legislative Analyst's Office.

#### **SECTION FOURTEEN. Amendment.**

The statutory provisions of this measure may be amended solely to further the purposes of this measure by a bill approved by a two-thirds vote of the members of each house of the Legislature and signed by the Governor.

#### **SECTION FIFTEEN. 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, that 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.

#### **SECTION SIXTEEN. Effective Date.**

Sections Four, Five, and Six of this Act shall become operative on the first Monday of December in 2014. Unless otherwise specified in the Act, the other sections of the Act shall become operative the day after the election at which the Act is adopted.

#### **SECTION SEVENTEEN. Legislative Counsel.**

(a) The People find and declare that the amendments proposed by this measure to Section 12 of Article IV of the California Constitution are consistent with the amendments to Section 12 of Article IV of the California Constitution proposed by Assembly Constitutional Amendment No. 4 of the 2009-10 Regular Session (Res. Ch. 174, Stats. 2010) (hereafter "ACA 4"), which will appear on the statewide general election ballot of November 4, 2014.

(b) For purposes of the Legislative Counsel's preparation and proofreading of the text of ACA 4 pursuant to Sections 9086 and 9091 of the Elections Code, and Sections 88002 and 88005.5 of the Government Code, the existing provisions of Section 12 of Article IV of the California Constitution shall be deemed to be the provisions of that section as amended by this measure. The Legislative Counsel shall prepare and proofread the text of ACA 4, accordingly, to distinguish the changes proposed by ACA 4 to Section 12 of Article IV of the California Constitution from the provisions of Section 12 of Article IV of the California Constitution as amended by this measure. The Secretary of State shall place the complete text of ACA 4, as prepared and proofread by the Legislative Counsel pursuant to this section, in the ballot pamphlet for the statewide general election ballot of November 4, 2014.