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August 6, 1993

Memo to: UCC Board and staff
From: Dan Howle
Subject: August 12, 1993 Conference call agenda

I. AB 1290 - California Community Redevelopment Law

- Definition of blight as contained in the legislation.
- Elimination of the fiscal review process
- Effects on "pass-through" agreements
- Extended time limits for re-capture of tax increments
- Proposed amendments
- Lobbying efforts to date and prior to vote on August 18

II. Tobacco tax

- Review most recent equity allocation of estimated $300 million revenues
- Discussion of provisions of the bill and effects on anti-smoking ordinances.

III. Proposition 172 - 1/2 cent sales tax

- Review of election material from Californian's for Strong Law Enforcement.
- Discussion of UCC position and endorsement of Proposition 172
- Back-up ballot measures

IV. Budget trailer bill - AB2373

V. Annual meeting at San Francisco Airport - September 29, 1993

VI. New Business

Please review the above agenda and make additions or suggestions by Tuesday, August 10, 1993

CHAIR
Supervisor Zoe Lofgren
Santa Clara County

VICE CHAIR
Supervisor Maggie Kildee
Ventura County

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Riverside County

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Orange County

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San Diego County

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172

July 19, 1993
(Revised)

BALLOT LABEL

LOCAL PUBLIC SAFETY PROTECTION AND IMPROVEMENT ACT OF 1993.

This measure would provide a dedicated revenue source for public safety purposes. Revenue would be distributed to cities and counties for purposes such as police, sheriffs, fire, criminal prosecution and corrections. If this measure is approved by the voters, the tax would be collected in all counties. However, a county would be eligible to receive tax revenues beginning January 1, 1994, only if the board of supervisors votes to participate or voters within the county approve the measure by majority vote.

SUBJECT TO REVISION

Your YES vote on Proposition 172 will earmark one half cent of the current state sales tax to law enforcement and public safety.

THIS IS NOT A NEW TAX OR A TAX INCREASE.

Proposition 172 extends one half cent of the sales tax you already pay and guarantees that the money will go directly to counties and cities to be spent on sheriffs, police, fire protection, district attorneys, and jails.

Please read Proposition 172. It requires, by law, that the revenue will be deposited into the Local Public Safety Fund to be used for these purposes.

When you vote YES on Proposition 172 this requirement will be written directly into the state constitution.

PROPOSITION 172 IS AN IRONCLAD GUARANTEE STATEWIDE THAT THIS MONEY, ESTIMATED AT 1.4 BILLION DOLLARS A YEAR, WILL GO WHERE IT IS NEEDED MOST:

- Keeping police officers and deputy sheriffs on the streets fighting crime.
- Fighting gangs, drugs and drug-related crime.
- Guaranteeing funds for fire protection.
- Funding anti-crime education programs, teaching our citizens how to help law enforcement protect our neighborhoods.

IF PROPOSITION 172 IS DEFEATED, BUDGETS FOR SHERIFFS, POLICE, DISTRICT ATTORNEYS, JAILS AND FIREFIGHTERS WILL SUFFER HUGE CUT BACKS.

There will be fewer police and sheriff patrols in your neighborhood. Fire stations will be closed and personnel reduced. Jails will be closed and criminals released. Criminal cases will go unprosecuted. Response times for police, and firefighters will increase dramatically.

Crime is on the rise throughout California. Just turn on the news tonight.

Carjackings, ATM holdups, shootings in our schools, violence, murder and mayhem dominate the evening news each and every night. And it's not one carjacking, or one child murdered. If it's not multiple murders, it's hardly news anymore.

SUBJECT TO REVISION

Please help us in law enforcement put a stop to this madness.

We cannot meet this growing threat by making drastic cuts in the number of police officers and deputy sheriffs who patrol our communities.

ONE HALF CENT OF THE SALES TAX WE ALREADY PAY IS A SMALL PRICE TO PAY FOR THE PROTECTION OF YOUR FAMILIES, YOUR HOMES AND YOUR NEIGHBORHOODS.

Proposition 172 is endorsed by the:

California State Sheriffs' Association
California District Attorneys' Association
California Fire Chiefs' Association
California Police Chiefs' Association
Association of Los Angeles Deputy Sheriffs
California Organization of Police and Sheriffs
California Professional Firefighters
California Peace Officers' Association
Los Angeles Police Protective League
Association of Orange County Deputy Sheriffs
Los Angeles County Professional Peace Officers' Association

and virtually every other major law enforcement and public safety organization in our state. Cast your vote for a safer California. Vote YES on Proposition 172.

Honorable Alfred Alquist
State Senator, San Jose

Orange County Sheriff-Coroner Brad Gates
Board Member, California State Sheriffs' Association

Willie Williams, Chief
Los Angeles Police Department

SUBJECT TO REVISIO

SAN DIEGO STATE UNIVERSITY
1897

TOBACCO TAX LEGISLATION

July 29, 1993

TO: Members, CSAC Board of Directors

FROM: Victor Pottorff, Deputy Executive Director

SUBJECT: PROPOSED TOBACCO TAX LEGISLATION

On July 22, members of the CSAC Executive Committee participated in a conference call to discuss a legislative proposal dealing with a tobacco tax increase to provide revenues to county governments. The Executive Committee members on that call felt that this issue needed to be fully debated by the Board of Directors at their meeting on August 13.

The following details are provided for your consideration:

- CSAC would be the sponsor of this legislation. This position would require CSAC to participate in a press conference to communicate why we feel counties desperately need $300 million to offset the damage done to county budgets. Counties will be asked to aggressively lobby this issue.

- The tobacco tax would be increased by 17 cents per pack which would provide $40 million for breast cancer research and approximately $300 million to county governments on a full year calculation. A proposed distribution formula is explained in Attachment I, with the actual formula outlined in Attachment II.

- A summary of the proposal is outlined in Attachment III, while the bill's language is contained in Attachment IV.

- Attachment V is a fact sheet for your review.

VP:sgr
Attachment

EXPLANATION OF CIGARETTE TAX FORMULA

Enclosed with the material on the Cigarette Tax is a formula to distribute the tax. The formula was developed with the Senator pursuing the legislation as well as the Legislative leadership and the Governor's Office.

The formula attempts to balance the disproportionate property tax shift that impacted counties with high AB 8 property tax dollars, while providing needed assistance to other affected counties.

The chart lists each county with its total property tax shift in column one. Columns three through six are the "off-setting" credits for sales tax, transits funds, worker compensation savings and Williamson Act funds. Column seven is the net property tax shift after all "off-setting" credits are made.

The proposed cigarette tax equity formula was developed to reduce the net property tax shift to each county to no more than approximately 20% of the total. For example, Alameda County's remaining percent of property tax shift is 15.94% (column 11), which means 84.06% of that county's property tax shift has been off-set by the sales tax, cigarette tax or other revenues or savings, leaving 15.94% not "back-filled".

The purpose of the cigarette tax, as proposed by the Legislative author to the Governor and others, is to mitigate the huge property tax losses that would have been experienced by some counties, while trying to provide revenues fairly to other impacted counties.

ATTACHMENT II

28-Jul-93

PROPOSED REDUCTIONS TO PROPERTY TAX SHIFT

County	Property Tax Shift	Percent	Full Year Sales Tax (Net to Counties)	TP&D $40 mil	WC Savings $22 mil	Williamson Act	Subtotal (Net Hit)	Cigarette Tax Equity Allocation	Cigarette Tax Share of Equity	Revised County Hit (if >0)	Remaining Percent of Property Tax Shift
Alameda	97,315	4.87%	64,169	1,948	1,072	88	30,038	14,527	4.8388%	15,511	15.94%
Alpine	114	0.01%	119	2	1	0	(9)				no hit
Amador	1,286	0.06%	1,118	26	14	68	60	79	0.0262%		no hit
Butte	9,115	0.46%	7,475	182	100	332	1,025	666	0.2220%	359	3.94%
Calaveras	1,510	0.08%	873	30	17	122	468	257	0.0856%	211	13.98%
Colusa	941	0.05%	792	19	10	155	(35)				no hit
Contra Costa	58,926	2.95%	38,183	1,180	649	39	18,875	10,397	3.4631%	8,478	14.39%
Del Norte	841	0.04%	750	17	9	0	65	71	0.0236%		no hit
El Dorado	6,435	0.32%	4,590	129	71	29	1,616	733	0.2442%	883	13.72%
Fresno	40,334	2.02%	29,468	807	444	4,261	5,353	2,927	0.9748%	2,427	6.02%
Glenn	1,212	0.06%	873	24	13	431	(130)				no hit
Humboldt	6,093	0.30%	4,864	122	67	131	909	501	0.1667%	408	6.70%
Imperial	6,105	0.31%	4,948	122	67		968	526	0.1752%	441	7.23%
Inyo	1,424	0.07%	1,040	29	16		340	134	0.0446%	206	14.46%
Kern	34,628	1.73%	25,259	693	381	3,526	4,768	2,513	0.8371%	2,255	6.51%
Kings	4,935	0.25%	3,163	99	54	1,457	162	255	0.0849%		no hit
Lake	2,352	0.12%	1,603	47	26	48	628	396	0.1321%	232	9.84%
Lassen	1,251	0.06%	940	25	14	261	11	57	0.0191%		no hit
Los Angeles	681,201	34.09%	368,013	13,638	7,501	0	292,050	149,578	49.8224%	142,472	20.91%
Madera	4,356	0.22%	3,220	87	48	899	102	222	0.0739%		no hit
Marin	14,433	0.72%	12,472	289	159	76	1,437	869	0.2893%	569	3.94%
Mariposa	630	0.03%	641	13	7	105	(136)				no hit
Mendocino	4,336	0.22%	3,398	87	48	368	435	283	0.0942%	153	3.52%
Merced	9,289	0.46%	5,391	186	102		3,610	2,446	0.8148%	1,163	12.52%
Modoc	448	0.02%	300	9	5		134	71	0.0236%	63	14.11%
Mono	1,002	0.05%	624	20	11		347	177	0.0590%	170	16.95%
Monterey	17,541	0.88%	15,049	351	193	560	1,388	1,105	0.3681%	283	1.61%
Napa	6,672	0.33%	5,347	134	73	32	1,086	714	0.2378%	372	5.58%
Nevada	4,562	0.23%	3,124	91	50	14	1,282	790	0.2633%	492	10.79%
Orange	152,474	7.63%	136,919	3,053	1,679	10	10,814	7,921	2.6385%	2,892	1.90%
Placer	12,020	0.60%	9,769	241	132	68	1,810	889	0.2961%	921	7.66%
Plumas	877	0.04%	741	18	10	70	39	50	0.0168%		no hit
Riverside	68,478	3.43%	46,941	1,371	754	158	19,254	10,152	3.3816%	9,102	13.29%
Sacramento	78,391	3.92%	52,144	1,569	863	396	23,418	12,882	4.2909%	10,536	13.44%
San Benito	1,711	0.09%	1,157	34	19	482	19	80	0.0268%		no hit
San Bernardino	82,544	4.13%	57,727	1,653	909	(6)	22,262	11,118	3.7033%	11,144	13.50%
San Diego	124,136	6.21%	109,085	2,485	1,367	77	11,122	8,181	2.7251%	2,941	2.37%
San Francisco	83,561	4.18%	45,289	1,673	920	0	35,679	20,618	6.8676%	15,061	18.02%
San Joaquin	33,941	1.70%	18,680	679	374	718	13,490	9,661	3.2181%	3,828	11.28%
San Luis Obispo	12,739	0.64%	8,434	255	140	648	3,262	1,668	0.5557%	1,593	12.51%
San Mateo	45,401	2.27%	41,780	909	500	36	2,176	1,884	0.6277%	292	0.64%
Santa Barbara	20,405	1.02%	16,097	409	225	339	3,336	1,680	0.5595%	1,656	8.12%

28-Jul-93

PROPOSED REDUCTIONS TO PROPERTY TAX SHIFT

County	Property Tax Shift	Percent	Full Year Sales Tax (Net to Counties)	TP&D $40 mil	WC Savings $22 mil	Williamson Act	Subtotal (Net Hit)	Cigarette Tax Equity Allocation	Cigarette Tax Share of Equity	Revised County Hit (if >0)	Remaining Percent of Property Tax Shift
Santa Clara	103,029	5.16%	89,722	2,063	1,134	178	9,932	6,648	2.2144%	3,284	3.19%
Santa Cruz	11,485	0.57%	9,228	230	126	5	1,896	986	0.3283%	910	7.92%
Shasta	8,294	0.42%	7,544	166	91	137	356	398	0.1326%		no hit
Sierra	139	0.01%	70	3	2	28	37	18	0.0060%	19	13.53%
Siskiyou	2,011	0.10%	1,528	40	22	524	(103)				no hit
Solano	17,936	0.90%	13,406	359	197	365	3,608	2,180	0.7261%	1,428	7.96%
Sonoma	23,171	1.16%	19,107	464	255	228	3,117	1,914	0.6376%	1,203	5.19%
Stanislaus	20,892	1.05%	16,984	418	230	791	2,469	1,632	0.5438%	836	4.00%
Sutter	3,748	0.19%	2,821	75	41		811	365	0.1215%	446	11.90%
Tehama	2,220	0.11%	1,701	44	24	640	(190)				no hit
Trinity	381	0.02%	286	8	4	13	70	46	0.0152%	25	6.46%
Tulare	17,780	0.89%	11,327	356	196	1,761	4,140	2,899	0.9656%	1,241	6.98%
Tuolumne	2,441	0.12%	1,852	49	27	67	446	226	0.0754%	220	9.01%
Ventura	36,403	1.82%	28,334	729	401	33	6,906	4,190	1.3957%	2,716	7.46%
Yolo	8,941	0.45%	7,167	179	98	676	821	517	0.1723%	303	3.39%
Yuba	3,165	0.16%	1,605	63	35		1,462	1,121	0.3733%	341	10.77%
Total	1,998,001	100.00%	1,365,251	40,000	22,000	21,444	549,306	300,221	100.0%	250,086	12.52%

County	Share of Equity
Alameda	4.8388%
Amador	0.0262%
Butte	0.2220%
Calaveras	0.0856%
Contra Costa	3.4631%
Del Norte	0.0236%
El Dorado	0.2442%
Fresno	0.9748%
Humboldt	0.1667%
Imperial	0.1752%
Inyo	0.0446%
Kern	0.8371%
Kings	0.0849%
Lake	0.1321%
Lassen	0.0191%
Los Angeles	49.8224%
Madera	0.0739%
Marin	0.2893%
Mendocino	0.0942%
Merced	0.8148%
Modoc	0.0236%
Mono	0.0590%
Monterey	0.3681%
Napa	0.2378%
Nevada	0.2633%
Orange	2.6385%
Placer	0.2961%
Plumas	0.0168%
Riverside	3.3816%
Sacramento	4.2909%
San Benito	0.0268%
San Bernardi	3.7033%
San Diego	2.7251%
San Francisc	6.8676%
San Joaquin	3.2181%
San Luis Obis	0.5557%
San Mateo	0.6277%
Santa Barbar	0.5595%
Santa Clara	2.2144%
Santa Cruz	0.3283%
Shasta	0.1326%
Sierra	0.0060%
Solano	0.7261%
Sonoma	0.6376%
Stanislaus	0.5438%
Sutter	0.1215%
Trinity	0.0152%
Tulare	0.9656%
Tuolumne	0.0754%
Ventura	1.3957%
Yolo	0.1723%
Yuba	0.3733%
Total	100.0%

PROVISIONS OF THE PROPOSED STATE LAW ON SMOKING

PROVISION	SMOKING RESTRICTION BILL
OWNER OPTION FOR 100% NONSMOKING	An owner of any workplace, public place, hotel or restaurant may designate the entire premises as non-smoking.
WORKPLACES	100% ban in all shared open areas; authorizes employer to permit smoking in private offices, smoking lounges and 25% of a cafeteria ONLY IF strict ventilation standards are met in each designated smoking area. Workplaces with 5 or less employees are exempt.
INDUSTRIAL FACILITIES	Requires those facilities to meet same standards as all workplaces.
RESTAURANTS	Allows maximum of 30% of seating area to be designated as a smoking section ONLY IF strict ventilation standards are met. Outdoor signage is required stating if smoking is allowed. Restaurants with 25 seats or less are exempt.
BARS	Exempt
PRIVATE HOTEL MEETING ROOMS	Designates smoking and nonsmoking rooms and areas.
RACETRACKS, CARD CLUBS, BINGO PARLORS	Exempt

PROVISION	SMOKING RESTRICTION BILL
PUBLIC PLACES	100% ban, EXCEPT for: - 25% of the concourse areas of indoor arenas; - concourse area of bowling alleys; - hotel/motel lobbies
ADVERTISING	Prohibits outdoor advertising of tobacco products within 500 feet of schools.
VENDING MACHINES	Restricts placement to areas inaccessible to minors.
RETAILER EDUCATION PROGRAM	Mandatory
POINT-OF-SALE RESTRICTIONS	Mandatory signage on legal age of purchase.
FINES FOR SELLING TO MINORS	Increases current fines up to $2,000; increases penalties on minors who purchase tobacco products to $500.
FINES ON NONCOMPLYING BUSINESS OWNERS	1st violation/$100; 2nd/$200; 3rd/$500.
ENFORCEMENT	Provides for sheriff department "sting" operations on unlawful sales to minors.
LOCAL PREEMPTION	Preempts local ordinances, but leaves in effect more stringent local ordinances enacted and in effect more stringent local ordinances enacted and in effect as of August 1, 1993.

PROVISION	SMOKING RESTRICTION BILL
REVENUES	<u>$300 million for counties</u> - $.15 per pack <u>$40 million for breast cancer research</u> - $.02 per pack

An Act to add Division 10 (commencing with Section 25800) to the Business and Professions Code, to repeal Chapter 10.8 (commencing with Section 25940) of Division 20 of the Health and Safety Code, to amend Section 308 of the Penal Code, and to amend Sections 30101 and 30461 of, and to add Sections 30461.6 and 30461.7 to, the Revenue and Taxation Code, relating to tobacco, and declaring the urgency thereof, to take effect immediately.

SECTION 1. It is the intent of the Legislature in enacting this act to regulate the smoking of tobacco products in all enclosed places of employment in this state, thereby eliminating the need of local governments to enact workplace smoking restrictions within their respective jurisdictions. Nothing in this act shall be construed to prevent the owner of any workplace from prohibiting smoking entirely on any premises under his or her control, including any industrial facility.

SEC. 2. Division 10 (commencing with Section 25800) is added to the Business and Professions Code, to read:

DIVISION 10. REGULATION OF SMOKING

CHAPTER 1. GENERAL PROVISIONS

25800. For purposes of this division, the following definitions shall apply:

(a) "Bar" means an area that is devoted to the service of alcoholic beverages for consumption on the premises and in which the serving of food, if any, is incidental to the consumption of alcoholic beverages. When a bar is located within a building in conjunction with another use, including, but not limited to, a restaurant, only the area used primarily for the consumption of alcoholic beverages shall constitute a bar. The dining area shall not constitute a bar, even though alcoholic beverages may be served therein.

(b) "Public place" means any enclosed indoor area open to the general public including, but not limited to, a theater, educational facility, health facility, unless prescribed by a physician and surgeon, retail services establishment, retail food production and market establishment, gymnasium, health spa, library, museum, and gallery. "Public place" does not include a workplace, restaurant, or bar.

(c) "Restaurant" means any place designated as a restaurant by former Section 28522 of the Health and Safety Code, as amended by Chapter 17 of the First Extraordinary Session of the Statutes of 1962.

(d) "Workplace" means any enclosed indoor area in which one or more individuals are employed on a full-time basis and to which the general public does not have access, except by

specific invitation, including an industrial facility.

CHAPTER 2. PUBLIC PLACES

25806. Except as otherwise provided in this chapter, smoking is prohibited in any public place on and after January 1, 1994.

25808. Smoking may be permitted in up to 25 percent of the concourse areas of indoor arenas, the concourse area of any bowling alley, or the public areas of hotels and motels.

25810. The prohibition of Section 25806 shall not apply to any of the following places:

(a) Private residences, except when used as a child day care facility or health facility.

(b) Hotel and motel rooms rented to guests, unless they are designated nonsmoking rooms.

(c) Establishments devoted primarily to the retail sale of tobacco products or operations of a manufacturer of tobacco products.

(d) Hotel and motel conference or meeting rooms, and public and private assembly rooms, while these places are being used for private functions.

(e) Gaming clubs registered pursuant to Chapter 5 (commencing with Section 19800) of Division 8, facilities used to conduct bingo games pursuant to Section 326.5 of the Penal Code, private boxes in indoor sports arenas, and racetracks.

25811. Nothing in this chapter shall be construed to prevent the owner of any public place from prohibiting smoking entirely on any premises under his or her control.

CHAPTER 3. RESTAURANTS

25812. Except as otherwise provided in this chapter, smoking is prohibited in any restaurant on and after January 1, 1994.

25814. (a) The prohibition of Section 25812 shall not apply to any restaurant having a seating capacity of 25 or fewer.

(b) (1) On or before July 1, 1994, Section 25812 shall not apply to any restaurant in which smoking is confined to a single contiguous area not exceeding 30 percent of the service area.

(2) After July 1, 1994, the prohibition of Section 25812 shall not apply to any restaurant to which both of the following apply:

(A) Smoking is confined to a single contiguous area not exceeding 30 percent of the service area.

(B) Ventilation is provided in accordance with the recommended ventilation rates specified for dining rooms and cafeterias in Table 2 of ASHRAE Standard 62-1989 (Ventilation for Acceptable Indoor Air Quality) or in accordance with the requirements of the indoor air quality procedure described in ASHRAE Standard 62-1989. If a restaurant elects to provide

ventilation in accordance with the recommended ventilation rate for purposes of this subparagraph, the restaurant shall keep on the premises a current written certification, provided by the contractor who maintains the ventilation system, that the system is operated at the specified rate.

(C) Any restaurant permitting smoking shall post a sign on the exterior of the building at each point of public entrance stating that smoking is allowed in the restaurant.

25816. The prohibition of Section 25812 shall not apply to rooms in restaurants being used for private functions.

25818. Nothing in this chapter shall be construed to prevent the owner of any restaurant from prohibiting smoking entirely on any premises under his or her control.

CHAPTER 4. WORKPLACES

25820. Except as otherwise provided in this chapter, smoking is prohibited in any workplace on and after January 1, 1994.

25822. (a) The prohibition of Section 25820 shall not apply to any workplace in which 5 or fewer people are employed on a full-time basis.

(b) (1) On or before July 1, 1994, the prohibition of Section 25820 shall not apply to any workplace.

(2) After July 1, 1994, the prohibition of Section 25820 shall not apply to any workplace that is any of the following:

(A) Any private office, conference room, or lecture room if ventilation is provided to that office or room in accordance with the recommended ventilation rates specified for offices in Table 2 of ASHRAE Standard 62-1989 (Ventilation for Acceptable Air Quality) or in accordance with the requirements of the indoor air quality procedure described in ASHRAE Standard 62-1989.

(B) Any employee cafeteria where smoking is confined to a single area not exceeding 25 percent of the seating capacity of the cafeteria, and ventilation is provided in accordance with the recommended ventilation rates specified for dining rooms and cafeterias in Table 2 of ASHRAE Standard 62-1989 (Ventilation for Acceptable Indoor Air Quality) or in accordance with the requirements of the indoor air quality procedure described in ASHRAE Standard 62-1989.

(C) Designated smoking lounges if ventilation is provided in accordance with the recommended ventilation rates specified for smoking lounges in Table 2 of ASHRAE Standard 62-1989 (Ventilation for Acceptable Indoor Air Quality) or in accordance with the requirements of the indoor air quality procedure described in ASHRAE Standard 62-1989.

(3) If an employer elects to provide ventilation in accordance with the recommended ventilation rate for purposes of paragraph (2), the employer shall keep on the premises a current written certification, provided by the contractor who maintains

the ventilation system, that the system is operated at the specified rate.

25824. Notwithstanding Section 25820, smoking is permitted in company vehicles with the consent of all those present in the vehicle.

25826. Nothing in this chapter shall be construed to prevent the owner of any workplace from prohibiting smoking entirely on any premises under his or her control, including any industrial facility.

CHAPTER 5. PUBLIC CARRIERS

25830. It is unlawful for any person to smoke tobacco or any plant product in any vehicle of a passenger stage corporation, the National Railroad Passenger Corporation (Amtrak) except to the extent permitted by federal law, in any aircraft except to the extent permitted by federal law, on a public transportation system, as defined in Section 99211 of the Public Utilities Code, or in any vehicle of an entity receiving any transit assistance from the state.

25832. A notice prohibiting smoking, displayed as a symbol and in English, shall be posted in each vehicle or aircraft subject to Section 25830.

25834. (a) Every person and public agency providing transportation services for compensation, including, but not limited to, the National Railroad Passenger Corporation (Amtrak) to the extent permitted by federal law, passenger stage corporations, and local agencies that own or operate airports, shall designate and post, by signs of sufficient number and in locations that may be readily seen by persons within the area, a contiguous area of not less than 75 percent of any area made available by the person or public agency as a waiting room for these passengers where the smoking of tobacco is prohibited. Not more than 25 percent of any given area shall be set aside for smokers.

(b) Every person or public agency subject to subdivision (a) shall also post, by signs of sufficient number, and in locations as to be readily seen by persons within the area of any building where tickets, tokens, or other evidences that a fare has been paid for transportation services that are provided by the person or public agency, a notice that the smoking of tobacco by persons waiting in line to purchase the tickets, tokens or other evidences that a fare has been paid is prohibited.

(c) It is unlawful for any person to smoke in an area posted pursuant to this section.

CHAPTER 6. SIGNS

25836. Smoking and nonsmoking areas designated pursuant to this division shall be clearly indicated by the posting of signs. Existing physical barriers and ventilation

systems shall be used, to the extent practicable, to minimize the drifting of smoke from smoking to nonsmoking areas.

CHAPTER 7. COLLECTIVE BARGAINING AGREEMENTS

25838. Nothing in this division shall affect the rights of employees under any collective bargaining agreement.

CHAPTER 8. VENDING MACHINES

25840. For purposes of this section, the person liable for selling or furnishing tobacco products to minors by a tobacco vending machine shall be the person authorizing the installation or placements of the tobacco vending machine upon premises he or she manages or otherwise controls and under circumstances in which he or she has knowledge, or should otherwise have grounds for knowledge, that the tobacco vending machine will be utilized by minors.

25842. Tobacco products shall not be sold at retail through a vending machine unless the vending machine is located in one of the following areas:

(a) In an area of a factory, business, office, or other place that is not open to the general public.

(b) On any public premises, as defined in Section 23039, to which persons under the age of 21 years are denied access pursuant to Section 25665.

(c) On other premises to which persons under the age of 18 years are not permitted access.

(d) In any other place, but only if the machine can be operated only by the activation of an electronic switch by the licensee, or by an employee of the licensee, prior to each purchase.

CHAPTER 9. BILLBOARDS

25844. No persons shall advertise or cause to be advertised tobacco products on any outdoor billboard located within 500 feet of any public or private elementary school, junior high school, or high school. This prohibition shall not apply to advertisements erected or maintained at street level and affixed to business establishments selling tobacco products over the counter at retail.

CHAPTER 10. VIOLATIONS

25850. Every person who smokes in violation of this division and every person in charge of a place where smoking is prohibited by this division who knowingly permits smoking in

violation of this division, and every person who fails to post a sign required by this division, shall be guilty of an infraction punishable by a fine not to exceed one hundred dollars ($100) for a first violation,by a fine not to exceed two hundred dollars ($200) for a second violation within one year, or by a fine not to exceed five hundred dollars ($500) for a third and for each subsequent violation within one year.

25852. This division exclusively defines the legal duties of a person in charge of a public place, restaurant, bar, or workplace, and the legal rights of all other persons, with respect to smoking in that public place, restaurant, bar, or workplace. No claim shall be asserted and no action shall be brought against any person for smoking or permitting smoking in accordance with this division.

25854. An owner of a restaurant, bar, or workplace who provides ventilation for the facility in accordance with the ventilation rates specified for the facility in ASHRAE Standard 62-1989 or in accordance with the requirements of the indoor air quality procedure described in ASHRAE Standard 62-1989 shall be presumed to have satisfied any applicable legal duty with respect to indoor air quality for employees or customers of the restaurant or workplace. The presumption shall not be deemed to supersede any occupational safety and health standard adopted by the Occupational Safety of Health Administration pursuant to Section 6(B) of, or a standard promulgated by the Division of Occupational Health Safety under its authority and approved by federal administration in accordance with Section 18(c)(2) of, the federal Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 3. Chapter 10.8 (commencing with Section 25940) of Division 20 of the Health and Safety Code is repealed.

SEC. 4. Section 308 of the Penal Code is amended to read:

308. (a) (1) Every person, firm or corporation ~~which~~ that knowingly sells, gives, or in any way furnishes to another person who is under the age of 18 years any tobacco, cigarette, or cigarette papers, or any other preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, products prepared from tobacco, or any controlled substance, is subject to either a criminal action for a ~~misdemeanor~~ misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney, punishable by a fine of ~~two~~ five hundred dollars ~~($200)~~ ($500) for ~~the~~ a first ~~offense~~ violation, ~~five hundred~~ one thousand dollars ~~($500)~~ ($1,000) for ~~the~~ a second ~~offense~~ violation within two years of the first violation, ~~and one~~ two thousand dollars ~~($1,000)~~ ($2,000) for ~~the~~ a third ~~offense~~ violation within two years of a second violation, and two thousand dollars ($2,000) for any violation within two years of a

violation subsequent to a third violation.

~~Notwithstanding~~

(2) A fine imposed on a person, firm, or corporation for a violation of this subdivision that is a first violation or that occurs more than two years after any other violation of this subdivision shall be waived and any subsequent violation of this subdivision shall be deemed a first violation if the person, firm, or corporation clearly establishes that he, she, or it acted in good faith to prevent the violation and that the violation occurred despite the exercise of due diligence by the person, firm, or corporation. For purposes of this paragraph, a person, firm, or corporation shall be deemed to have exercised due diligence if the person, firm, or corporation complies with subdivisions (d) and (e).

(3) Notwithstanding Section 1464 or any other provision of law, 25 percent of each civil and criminal penalty collected pursuant to this subdivision shall be paid to the office of the city attorney, county counsel, or district attorney, whoever is responsible for bringing the successful action, and 25 percent of each civil and criminal penalty collected pursuant to this subdivision shall be paid to the city or county for the administration and cost of the community service work component provided in subdivision ~~(b)~~ (c).

~~Proof~~

(4) Proof that a defendant, or his or her employee or agent, demanded, was shown, and reasonably relied upon evidence of majority shall be defense to any action brought pursuant to this subdivision. Evidence of majority of a person is a facsimile of or a reasonable likeness of a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the ~~Federal~~ federal Selective Service Act, or an identification card issued to a member of the armed forces.

(b) For purposes of this section, the person liable for selling or furnishing tobacco products to minors by a tobacco vending machine shall be the person authorizing the installation or placement of the tobacco vending machine upon premises he or she manages or otherwise controls and under circumstances in which he or she has knowledge, or should otherwise have grounds for knowledge, that the tobacco vending machine will be utilized by minors.

~~(b)~~

(c) Every person under the age of 18 years who purchases or receives any tobacco, cigarette, or cigarette papers, or any other preparation of tobacco, or any other instrument or paraphernalia that is designed for the smoking of tobacco, products prepared from tobacco, or any controlled substance shall, upon conviction, be punished by a fine of ~~fifty~~ five hundred dollars ~~($50)~~ ($500) or ~~25~~ 100 hours of community service work.

~~(c)~~

(d) Every person, firm, or corporation ~~which~~ that sells, or deals in tobacco or any preparation thereof, shall post conspicuously and keep so posted in his, her, or their place of business a ~~a copy of this act, and any such~~, at each point of purchase within the premises, a sign, no smaller than 8 1/2 by 11 inches, stating the following:
NOTICE--SECTION 308 OF THE PENAL CODE PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE AND THE PURCHASE OF TOBACCO PRODUCTS BY PERSONS UNDER 18 YEARS OF AGE.
Any person failing to do so shall upon conviction be punished by a fine of ~~ten~~ one hundred dollars ~~($10)~~ $100) for the first offense and ~~fifty~~ two hundred dollars ~~($50)~~ ($200) for each succeeding violation of this provision, or by imprisonment for not more than 30 days.

The Secretary of State is hereby authorized to have printed sufficient copies of this ~~act~~ sign to enable him or her to furnish dealers in tobacco with copies thereof upon their request for the same. It is the intent of the Legislature that the cost of printing and furnishing the signs shall be paid from the Cigarette and Tobacco Products Surtax Fund.

(e) Every person, firm, or corporation that sells, or deals in tobacco or any preparation thereof, shall notify each individual employed by the person, firm, or corporation as a retail sales clerk that state law prohibits the sale of tobacco products to any person under 18 years of age and the purchase of tobacco products by any person under 18 years of age. This notice shall be provided before the individual commences work as a retail sales clerk, or, in the case of an individual employed as a retail sales clerk on the date when this subdivision becomes operative, within 30 days of that date. The individual shall signify that he or she has received the notice required by this subdivision by signing a form stating as follows: "I understand that state law prohibits the sale of tobacco products to persons under the age of 18 and the purchase of tobacco products by persons under the age of 18. I promise, as a condition of my employment, to observe this law." Each form signed by an individual shall indicate the date of signature. The employer shall retain the form signed by each individual employed as a retail sales clerk until 120 days after the individual has left the employer's employ. Any employer failing to comply with the requirements of this subdivision with respect to any employee shall upon conviction be punished by a fine of one hundred dollars ($100) for the first offense and two hundred dollars ($200) for each succeeding violation of this subdivision, or imprisonment for not more than 30 days.

~~(d)~~

(f) For purposes of determining the liability of persons, firms, or corporations controlling franchises or business operations in multiple locations for the second and subsequent violations of this section, each individual franchise or business location shall be deemed a separate entity.

~~(e) It is the Legislature's intent to regulate the subject matter of this section. As a result, no city, county, or city and county shall adopt any ordinance or regulation inconsistent with this section.~~

~~(f) Notwithstanding any other provision of this section, the Director of Corrections may sell or supply tobacco and tobacco products, including cigarettes and cigarette papers, to any person confined in any institution or facility under his, her, or its jurisdiction who has attained the age of 16 years, if the parent or guardian of the person consents thereto, and may permit smoking by any such person in any such institution or facility. No officer or employee of the Department of Corrections shall be considered to have violated this section by any act authorized by this subdivision.~~

(g) The Attorney General, acting through the sheriffs of the several counties of the state pursuant to Section 12560 of the Government Code, shall annually conduct random, unannounced inspections at locations where tobacco products are sold or distributed to ensure compliance with this section. Persons under 18 years of age may be enlisted by the sheriffs, or employees thereof, to test compliance with subdivision (a) except that persons under 18 years of age may be used to test compliance with subdivision (a) only if the testing is conducted under the direct supervision of a sheriff, or employees thereof, and written parental consent has been provided. Any other use of persons under 18 years of age to test compliance with subdivision (a) or any other prohibition of like or similar import shall be unlawful and the person or persons responsible for the use shall be subject to the penalties prescribed in subdivision (a). The Attorney General shall prepare for submission annually to the Secretary of the United States Department of Health and Human Services the report required by Section 1926 of Subpart I of Part B of Title XIX of the federal Public Health Service Act (42 U.S.C. Sec. 300x-26).

SEC. 5. Section 30101 of the Revenue and Taxation Code is amended to read:

30101. (a) Every distributor shall pay a tax upon his or her distributions of cigarettes at the rate of one and one-half mills ($0.0015) for the distribution after 4 o'clock a.m. on July 1, 1959, of each cigarette until 12.01 o'clock a.m. on August 1, 1967, ~~and~~ at the rate of three and one-half mills ($0.0035) for the distribution of each cigarette on and after August 1, 1967 until 12:01 o'clock a.m. on October 1, 1967, ~~and~~ at the rate of five mills ($0.005) for the distribution of each cigarette on and after 12:01 o'clock a.m. on October 1, 1967, until 12:01 a.m. on the operative date specified in subdivision (b), at the rate of nine and one-half mills ($0.0095) for the distribution of each cigarette on and after 12:01 a.m. on that date until 12:01 a.m. January 1, 1994, and at the rate of thirteen and one-half miles ($0.0135) for the distribution of each cigarette on and after that date.

(b) The amendments made to this section by the act adding this subdivision shall be operative on the effective date of the act adding this subdivision.

(c) the taxes imposed by the act adding this subdivision shall not be imposed upon tobacco products as defined in subdivision (b) of Section 30121 and subject to a tax calculated under subdivision (b) of Section 30123, nor shall those taxes be considered in the calculation of an equivalent tax rate under subdivision (b) of Section 30123.

SEC. 6. Section 30461 of the Revenue and Taxation Code is amended to read:

30461. All amounts required to be paid to the ~~State~~ state under this part shall be paid to the board in the form of remittances payable to the State Board of Equalization ~~of the State of California~~. ~~The~~ Except as provided in Section 30461.6, the board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the Cigarette Tax Fund, which fund is hereby created.

SEC. 7. Section 30461.6 is added to the Revenue and Taxation Code, to read:

30461.6 (a) Notwithstanding Section 30461, the board shall transmit the revenue derived from the increase in the cigarette tax rate of eight and one-half mills ($0.0085) per cigarette imposed by Section 30101, on and after the effective date of the act adding this section, to the Treasurer to be deposited in the State Treasury in accordance with subsections (b) and (c).

(b) The revenue derived from seven and one-half mills ($0.0075) shall be deposited to the credit of the County Finance Augmentation Fund, which fund is hereby created. Notwithstanding section 13340 of the Government Code, the moneys in the fund are hereby continuously appropriated, without regard to fiscal years, to the Controller and shall be allocated to counties as follows:

Alameda	4.8388%
Amador	0.0262%
Butte	0.2220%
Calaveras	0.0856%
Contra Costa	3.4631%
Del Norte	0.0236%
El Dorado	0.2442%
Fresno	0.9748%
Humboldt	0.1667%
Imperial	0.1752%
Inyo	0.0446%
Kern	0.8371%
Kings	0.0849%
Lake	0.1321%
Lassen	0.0191%
Los Angeles	49.8224%

Madera	0.0739%
Marin	0.2893%
Mendocino	0.0942%
Merced	0.8148%
Modoc	0.0236%
Mono	0.0590%
Monterey	0.3681%
Napa	0.2378%
Nevada	0.2633%
Orange	2.6385%
Placer	0.2961%
Plumas	0.0168%
Riverside	3.3816%
Sacramento	4.2909%
San Benito	0.0268%
San Bernardino	3.7033%
San Diego	2.7251%
San Francisco	6.8676%
San Joaquin	3.2181%
San Luis Obispo	0.5557%
San Mateo	0.6277%
Santa Barbara	0.5595%
Santa Clara	2.2144%
Santa Cruz	0.3283%
Shasta	0.1326%
Sierra	0.0060%
Solano	0.7261%
Sonoma	0.6376%
Stanislaus	0.5438%
Sutter	0.1215%
Trinity	0.0152%
Tulare	0.9656%
Tuolumne	0.0754%
Ventura	1.3957%
Yolo	0.1723%
Yuba	0.3733%

(c) The revenue derived form one mill ($0.001) shall be deposited to the credit of the Breast Cancer Fund, which fund is hereby created. The moneys in the fund shall, upon appropriation by the Legislature, be allocated as follows:

(1) Forty-five percent to be allocated for research with respect to the cause, cure, and prevention of breast cancer, as follows:

(A) Forty-percent to the University of California's scientific advisory committee established pursuant to Article 8.7 (commencing with Section 424.10) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, for the awarding of grants to researchers for research with respect to the cause, cure, prevention, and early detection of breast cancer and with respect to the cultural barriers to accessing the health care system for early detection and treatment of breast cancer, based

on the merits of specific proposals and specific research priorities established by a panel of experts convened by the committee. The panel of experts shall consist of researchers from public and private institutions, and representatives from voluntary, nonprofit health organizations, health care professional organizations, breast cancers survivor groups and breast cancer-related advocacy groups. It is the intent of the Legislature that the membership of the panel broadly reflect the ethnic, racial, cultural, economic, and geographic diversity and gender balance of the state. The panel of experts shall be convened and shall establish specific research priorities prior to the scientific advisory committee issuing a Request For Proposals (RFP) with respect to research grants, and may be reconvened by the scientific advisory committee as necessary.

(B) Five percent to the Cancer Surveillance Section of the State Department of Health Services for the collection of breast cancer-related data and the conduct of breast cancer related epidemiological research by the state cancer registry established pursuant to Section 211.3 of the Health and Safety Code.

(2) Forty-five percent to be allocated to the breast and cervical cancer control program undertaken by the state pursuant to Public Law 101-354 for the provision of early breast cancer detection services for uninsured and underinsured women. those services shall include all of the following:

(A) Mammography screening of women for breast cancer as an early detection health care measure.

(B) Medical referral of screened women for definitive diagnosis, including sonograms or biopsy, and, to the extent practical, followup services for those women. If followup services cannot be provided, then assistance shall be provided to help the person obtain necessary followup services.

(C) Educational and training programs for health care professionals, including allied health care professionals, to improve the detection and control of breast cancer, and communication with breast cancer patients after diagnosis.

(D) Outreach to groups with high proportions of uninsured women.

(3) Ten percent to be allocated to the State Department of Health Services for a campaign to increase awareness and provide education with respect to breast cancer, including steps to ensure early detection. In developing this campaign, the department shall consult with an advisory panel appointed by the State Director of Health Services and consisting of breast cancer researchers, and representatives from voluntary, nonprofit health organizations, health care professional organizations, breast cancer survivor groups, and breast cancer-related advocacy groups. It is the intent of the Legislature that the membership of the panel broadly reflect the ethnic, racial, cultural, economic, and geographic diversity and gender balance of the state.

SEC. 8. Section 30461.7 is added to the Revenue and Taxation Code, to read:

30461.7. (a). On and after the effective date of the act adding this section, revenues derived from the increase in the cigarette tax rate of eight and one-half mills ($0.0085) per cigarette imposed by Section 30101 and deposited in the County Finance Augmentation Fund and the Breast Cancer Fund shall not be considered any of the following:

(1) "General Fund proceeds of taxes which may be appropriated pursuant to Article XIIIB" as used in subdivision (b) of Section 8 of Article XVI of the California Constitution.

(2) Any part of "General Fund proceeds of taxes appropriated pursuant to Article XIIIB of the California Constitution," as used in subdivision (b) of Section 8 of Article XVI of the California Constitution.

(3) Any part of "local proceeds of taxes," as used in subdivision (b) of Section 8 of Article XVI of the California Constitution.

(4) Any part of "General Fund revenues," as used in subdivisions (b), (c), and (e) of Section 8 of Article XVI of the California Constitution.

(5) Any part of "General Fund moneys," as used in subdivision (d), of Section 8 of Article XVI of the California Constitution.

(b) On and after the effective date of the act adding this section, the eight and one-half mills ($0.0085) increase in the cigarette tax per cigarette imposed by Section 30101 shall cease to be operative on the first day of the first month of the calendar quarter following notification to the board by the Department of Finance of a final judicial determination by the California Supreme Court or any California court of appeal that the revenues collected pursuant to those taxes are either of the following:

(1) "General Fund proceeds of taxes appropriated pursuant to Article XIIIB of the California Constitution," as used in subdivision (b) of Section 8 of Article XVI of the California Constitution.

(2) "Allocated local proceeds of taxes," as used in subdivision (b) of Section 8 of Article XVI of the California Constitution.

SEC. 9. The legislature finds and declares all of the following:

(a) The need for uniform statewide regulation, as set forth in this act, is a matter of statewide concern and uniform statewide regulation is required to maximize public awareness of and compliance with this act and is warranted because the activities regulated by this act do not vary from county to county or city to city.

(b) Uniform statewide regulation, as set forth in this act, guarantees that all persons engaging in the same activities are subject to the same rules through the state, and ensures that

businesses in a city or county will enjoy no unfair competitive or other advantages with respect to the activities covered by this act.

SEC. 10. (a) This act shall apply, without limitation, to a city, county, and city and county, including a charter city, charter county, or charter city and county, and it is the Legislature's intent to regulate the subject matter of this act comprehensively and to occupy the field to the exclusion of local action. Notwithstanding any other provision of law, no ordinance or regulation of any city, county, city and county, including a charter city, or charter city and county, or other political subdivision of this state, or any local ordinance or regulation adopted by the use of an initiative or other ballot measure, shall prohibit or in any way attempt to regulate the sale, distribution, advertising, sampling, promotion, or display of tobacco products, smoking in public places, restaurants, bars, or workplaces, or take any action with respect to an employee or a prospective employee based on use or nonuse of tobacco.

(b) Notwithstanding subdivision (a), this act shall not supersede any prohibition or limitation, as enacted and in effect on August 1, 1993 imposed by an otherwise valid local ordinance or regulation, unless the prohibition or limitation is less restrictive than the corresponding prohibition or limitation imposed by this act.

SEC. 11. If any provision of this act or its application to any person or circumstance is held invalid, this shall not affect other provisions or applications of this act that can be given effect without the invalid application and to this end the provisions of the act are severable.

SECTION 12. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to set forth uniform statewide regulations of tobacco products and to derive additional revenues from added taxation of cigarettes, it is necessary that this act take effect immediately.

SAN DIEGO STATE UNIVERSITY 1897

FACT SHEET ON THE CIGARETTE TAX

- This proposed legislation represents a compromise that may be the only anti-smoking authorization that passes the Legislature this year. Assembly Bill 996 (Tucker), a smoking law supported by the tobacco industry and Assembly Bill 13 (T. Friedman), a smoking law supported by anti-smoking groups are both pending in the Senate. The proposed legislation is stronger than AB 996 but not as strong as AB 13. (Ironically both AB 996 and AB 13 pre-empt all local ordinances.)

- Nothing in the legislative proposal prohibits future legislation to establish even "tougher" anti-smoking laws.

- This legislation is a major increase of the cigarette tax with the revenues going to two critical needs: $40 million for breast cancer research and $300 million for maintaining vital county services.

- Breast cancer is a significant threat to the health of women. Breast cancer is the most common form of cancer in women, and causes the death of a woman in the United States every 12 minutes.

- The incidence of breast cancer continues to increase at a dramatic rate. During the past decade, the incidence has increased by 30 percent. In 1960, one woman in 20 developed beast cancer over the course of her lifetime. By 1992, the probability had increased to one woman in eight. At the current rate of increase, in the year 2000, one woman in six will develop breast cancer over the course of her lifetime.

- This proposed legislation "grandfathers" all existing local ordinance or regulation enacted and in effect on August 1, 1993, unless the prohibition or limitation is less restrictive than the corresponding prohibition or limitation imposed by this act.

- To our knowledge, the State smoking law established by this legislation would be the toughest anti-smoking law passed by any state in the nation.

- For those concerned about the effects of smoking and "second-hand" smoke in the work place, this proposed legislation provides a tough, uniform state law that applies in all counties and cities in the state.

- If the proposed legislation is signed by the Governor by September 1, 1993, the tax could possibly be in place by October 1, 1993 providing nine months of funding for 1993-94.

- At this time, the cigarette tax is the only major revenue source being proposed in the Legislature for counties.

Section 8

33333.2 (a)(2)(A) A time limit on the establishing of loans, advances, and indebtedness to be paid with the proceeds of property taxes received pursuant to Section 33670 to finance in whole or in part the redevelopment project, which may not exceed 20 years from the adoption of the redevelopment plan, except by amendment of the redevelopment plan as authorized by subparagraph (B). This limit, however, shall not prevent agencies from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt to fulfill th eagency's housing obligations under Section 33413. [The loans, advances, or indebtedness may be repaid over a period of time longer than this time limit as provided in this section.] No loans, advances, or indebtedness to be repaid from the allocation of taxes shall be established or incurred by the agency beyond this time limitation.

(B) The time limitation established by subparagraph (A) may be extended only by amendment of the redevelopment plan , pursuant to Article 12 (commencing with Section 33450), after the agency finds, based on substantial evidence, that (i) substantial blight remains within the project area; and (ii) this blight cannot be eliminated without the establishment of additional debt. However, this amended time limitation ...

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33333.2 (a)(3) A time limit, not to exceed 30 years from the adoption of the redevelopment plan on the effectiveness of the redevelopment plan[.] for all purposes, including the repayment of indebtedness. After the time limit on the effectiveness of the redevelopment plan, the agency shall have no authority to act pursuant to the redevelopment plan except [to pay previously incurred indebtedness and] to enforce existing covenants or contracts.

[(4) A time limit, not to exceed 45 years from the adoption of the redevelopment plan, to repay indebtedness with the proceeds of property taxes received pursuant to Section 33670. After the time limit established pursuant to this paragraph, an agency may not receive property taxes pursuant to Section 33670.]

([5]4) A time limit, not to exceed 12 years from the adop-

tion of the redevelopment plan, for commencement of eminent domain proceedings...

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Section 9.

33333.6 (a)(1) The time limit on the establishing of loans, advances, and indebtedness adopted pursuant to paragraph (2) of subdivision (a) of Section 33333.2 or paragraph (2) of subdivision (a) of Section 33333.4 shall not exceed 20 years from the adoption of the redevelopment plan , the time limit adopted in the plan itself or January 1, 2004, whichever is [later] earlier. This limit, however, shall not prevent agencies from incurring debt to be paid from the Low and Moderate Income Housing Fund or establishing more debt in order to fulfill the agency's housing obligations under Section 33413.

(2) The time limitation established by this subdivision may be extended, only by amendment of the redevelopment plan , pursuant to Article 12 (commencing with Section 33450), after the agency finds, based on substantial evidence that: (A) substantial blight remains within the project area; and (B) this blight cannot be eliminated without the establishment of additional debt. However, this amended time limitation may not exceed 10 years from the time limit established pursuant to this subdivision or the time limit on the effectiveness of the plan established pursuant to subdivision (b), whichever is earlier.

(b) The effectiveness of every redevelopment plan to which this section applies shall terminate at a date which shall not exceed 40 years from the adoption of the redevelopment plan , any plan duration date in the plan itself or January 1, 2009, whichever is [later] earlier. After the time limit on the effectiveness of the redevelopment plan, the agency shall have no authority to act pursuant to the redevelopment plan [except [to pay previously incurred indebtedness and] to enforce existing covenants, contracts, or other obligations.

(c) Except as provided in subdivision (g) and (h), a redevelopment agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after [10 years from] the termination of the effectiveness of the redevelopment plan pursuant to subdivision (b).

(d) (1) If plans which had different dates of adoption were merged on or before December 31, 1993, the time limitations required by this section shall be counted individually for each merged plan from the date of the adoption of each plan. If an amendment to a redevelopment plan added territory ...

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Section 7.5

Section 33320.1 (c) is amended to read:

(c) For the purposes of this section, a parcel of property as shown on the official maps of the county assessor is developed for urban uses if that parcel is not vacant land and is developed [in a manner which is either consistent with zoning or is otherwise permitted under law] for non-agricultural purposes.

Section 31

33607.5. (a) Unless an agency has excercised an election pursuant to subdivision (a)(3) of Section 33676, [C]commencing with the fiscal year which starts 21 years from the year in which the project area was adopted, and during each fiscal year thereafter in which the agency receives tax increment funds, each redevelopment agency which has adopted a project area on or after January 1, 1994, shall pay to the affected taxing entities an amount equal to 35 percent of the total tax increment collected by the agency less amounts required to be deposited in the Low and Moderate Income Housing Fund pursuant to Sections 33334.2, 33334.3 and 33334.6. These payments shall be allocated among the affected taxing entities in proportion to the percentage share of property taxes each affected taxing entity receives during the fiscal year the funds are allocated.

Section 34

33676 (a) Prior to the adoption by the legislative body of a redevelopment plan providing for tax-increment financing pursuant to Section 33670, any affected taxing agency may

elect to be allocated, and every school district and community college district shall be allocated, in addition to the portion of taxes allocated to the affected taxing agency pursuant to subdivision (a) of Section 33670, all or any portion of the tax revenues allocated to the agency pursuant to subdivision (b) of Section 33670 attributable to one or more of the following:

(1) Increases in the rate of tax imposed for the benefit of the taxing agency which levy occurs after the tax year in which the ordinance adopting the redevelopment plan becomes effective.

(2) Increases in the assessed value of the taxable property in the redevelopment project area, as the assessd value is established by the assessment roll last equalized prior to the effective date of the ordinance adopting the redevelopment plan pursuant to subdivison (a) of Section 33670, which are, or otherwise would be, calculated annually pursuant to subdivision (f) of Section 110.1 of the Revenue and Taxation Code.

(3) Increases in the assessed value of the taxable property of the redevelopment project area, not to exceed 80 percent of the excess of the total assessed valuation of the taxable property in the project, as shown on the assessment roll for each year of the plan, over the total assessed value of the taxable property in the redevelopment project area established by the assessment roll last equalized prior to the effective date of the ordinance adopting the redevelopment plan pursuant to subdivision (a) of Section 33670. The provisions of this paragraph may not be elected by the taxing agency whose legislative body is to adopt the redevelopment plan pursuant to Article 4, commencing with Section 33330.

([3]4) If an agency pursuant to Section 33354.5 amends a redevelopment plan which does not utilize tax increment financing to add tax increment financing, and pursuant to subdivision (a) of Section 33670 uses the assessment roll last equalized prior to the effective date of the ordinance originally adopting the redevelopment plan, providing the agency had requested the assessment roll for the purposes of the ordinance originally adopting the redevelopment plan, pursuant to the provisions of Sections 33327, 33328, 33328.3, 33328.4, 33328.5, and 33328.7, an affected taxing agency may elect to be allocate all or any portion of ...

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