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BARRY FADEM

October 26, 2015

**RECEIVED**

OCT 26 2015

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

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

Attention: Ashley Johansson, Initiative Coordinator

*Re: Submission of Amendment to Statewide Initiative Measure – "The Invest in California's Children Act", No. 15-0070*

Dear Ms. Johansson:

As you know, I serve as counsel for the proponents of the proposed statewide initiative, "The Invest in California's Children Act." The proponents of the proposed initiative are Cass Trinidad Gualvez and Dietmar Grellman. On their behalf, I am enclosing the following documents:

- The amended text of "The Invest in California's Children Act";
- A red-line version showing the changes made in the amended text; and
- Signed authorizations from each of the proponents for the submission of the amended text together with their requests that the Attorney General's Office prepare a circulating title and summary using the amended text.

Please continue to direct all inquiries or correspondence relative to this proposed initiative to me at the address listed below:

Barry Fadem  
Fadem & Associates  
3527 Mt. Diablo Boulevard, No. 192  
Lafayette, CA 94549  
Phone: (925) 283-0581  
Fax: (925) 871-4016  
E-mail:bfadem1@aol.com

Sincerely,



Barry Fadem

Enclosures

October 26, 2015

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

Attention Ashley Johansson, Initiative Coordinator

*Re: Submission of Amendment to Statewide Initiative Measure – "The Invest in California's Children Act", No. 15-070, and Request to Prepare Circulating Title and Summary*

Dear Ms. Johansson:

On September 21, 2015, the proponents of a proposed statewide initiative titled "The Invest in California's Children Act" ("Initiative") submitted a request that the Attorney General prepare a circulating title and summary pursuant to section 10(d) of Article II of the California Constitution.

Pursuant to Elections Code section 9002(b), the proponents hereby submit timely amendments to the text of the Initiative. As one of the proponents of the Initiative, I approve the submission of the amended text to the Initiative and I declare that the amendment is reasonably germane to the theme, purpose, and subject of the Initiative. I request that the Attorney General prepare a circulating title and summary using the amended Initiative.

Sincerely,



Dietmar Grellmann

Cass Trinidad Gualvez

Proponent Authorization Attached

October 26, 2015

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

Attention: Ashley Johansson, Initiative Coordinator

*Re: Submission of Amendment to Statewide Initiative Measure – “The Invest in California's Children Act”, No. 15-0070, and Request to Prepare Circulating Title and Summary*

Dear Ms. Johansson:

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Pursuant to Elections Code section 9002(b), the proponents hereby submit timely amendments to the text of the Initiative. As one of the proponents of the Initiative, I approve the submission of the amended text to the Initiative and I declare that the amendment is reasonably germane to the theme, purpose, and subject of the Initiative. I request that the Attorney General prepare a circulating title and summary using the amended Initiative.

Sincerely,



Cass Trinidad Gualvez

Dietmar Grellmann

Proponent Authorization Attached

## **The Invest in California's Children Act**

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### **SECTION 1: Title**

This measure shall be known and may be cited as "The Invest in California's Children Act."

### **SECTION 2: Findings and Declarations**

The people of the state of California hereby find and declare as follows:

(a) California's future depends on the success of its 9 million children.

(b) Every California child deserves a fair chance to become a successful adult.

(c) Ninety percent of children's brain development occurs by age five. This means if children do not have access to education, healthcare, child care and preschool during their first five years of life, the odds of their succeeding as adults are greatly reduced.

(d) For children to succeed as adults, they must have basic access to education, healthcare, child care and preschool.

(e) These things – education, healthcare, child care and preschool – are essential and dependent on one another. Access to a quality education is fundamental to the success of California's children. Even with adequate schools, children cannot obtain an education if illness prevents them from attending. And children growing up in communities without adequate healthcare are more likely to contract illnesses that prevent them from attending school. Also,

children who grow up without child care are far more likely to struggle in school.

(f) Research also shows that early access to child care, preschool, and healthcare improves children's chances of succeeding in school and in life.

(g) California should do more to ensure that the state's children receive the education, healthcare, child care and preschool they need to grow up and thrive.

(h) California public schools, for example, are the most crowded in the nation. Class sizes are an astonishing 80 percent larger than the national average. California's fourth graders rank 46<sup>th</sup> and 47<sup>th</sup> among states in reading and math scores. The number of Californians training to be future teachers has dropped by 50 percent in the last five years as class sizes have soared.

(i) As well, the budgets of California's colleges have been slashed, diminishing the ability of California children – especially those from low-income families – to receive career training and an affordable and necessary college education.

(j) The state's child care and early education programs for the children of working poor parents remain chronically underfunded. The number of children living in poverty in California is rising while the number of child care slots has not recovered from the devastating reduction resulting from the recent recession.

(k) Fewer than half of California's three- and four-year-olds are enrolled in preschool, and licensed child care is available to just one in four children of working parents.

(l) California chronically underfunds Medicaid, known as Medi-Cal, which more than half the state's children rely on for healthcare. California ranks 48<sup>th</sup> out of the 50 states in Medicaid spending and reimbursement rates to doctors, hospitals, and other health providers, making it difficult for patients to obtain care. Nearly half of California counties, for example, do not have a single pediatric dentist that accepts low-income children who are covered by Medi-Cal. Sufficient reimbursement for services provided to all Medi-Cal beneficiaries helps ensure that children and their communities can continue to access doctors, hospitals and other health providers. Once a hospital or doctor's office closes due to chronic underfunding of the Medi-Cal program, it closes for everyone, including children, who may access those services.

(m) Underfunding of Medi-Cal also harms California financially. Every new state dollar spent on Medi-Cal for children and their communities is automatically matched by as many as three dollars in federal funds. This means every year California loses out on billions of dollars in federal matching money that could be used for children's healthcare.

(n) In 2012, California voters approved modest income taxes on the wealthiest to prevent cuts to K-12 schools and community colleges.

(o) As a result, California's K-12 schools and colleges are beginning to recover after years of devastating budget cuts and teacher layoffs.

(p) With income taxes on the wealthiest due to expire in 2018, California's schools and colleges face uncertain funding, while the state's child care and health programs remain chronically underfunded.

(q) The Invest in California’s Children Act continues voter-approved taxes on Californians earning more than \$290,000 a year, while also imposing new and modest taxes on earnings in excess of \$1,000,000 per year. These funds will support education, healthcare, childcare and preschool.

(r) The Invest in California’s Children Act also makes California’s tax rates fairer. If voter approved taxes on those earning more than \$290,000 a year expire as scheduled in 2018, a millionaire will pay the same marginal income tax rate as an individual making \$57,000 a year.

(s) Under The Invest in California’s Children Act, all tax revenue from this Act is guaranteed to go directly to education, healthcare, child care and preschool. The funds are placed in special funds that the Legislature cannot use for other purposes, and none of the funds can be spent on state bureaucracy or administrative costs. A portion of the funds will be placed in a “Children’s Services Rainy Day Special Fund” to protect education, healthcare, child care and preschool from cuts in future budget emergencies.

(t) Moneys raised by The Invest in California’s Children Act will be subject to stringent audits, transparency, and accountability to ensure the money is spent as intended to benefit children without interference from the Legislature. Elected officials will be subject to prosecution and criminal penalties if they misuse the funds.

### **SECTION 3: Purpose and Intent**

The purpose and intent of the voters in enacting The Invest in California’s Children Act is to ensure that every California child has a chance to succeed as an adult by ensuring that every California child has adequate access to education, healthcare, child care and preschool. It is the purpose and intent of the voters to prevent the

Legislature from diverting money raised by this Act to other purposes. The Act does this both by eliminating the ability of the Legislature to appropriate these funds for other purposes except in the case of a declared budget emergency and by ensuring that independent auditors verify the money is being spent in accordance with the purpose and intent of the voters.

#### **SECTION 4: Extension and Imposition of Voter-Approved Taxes On Individuals Earning More Than \$290,000 Per Year**

Section 36.5 is added to Article XIII of the California Constitution as follows:

(a) For any taxable year beginning on or after January 1, 2019, with respect to the tax imposed pursuant to Section 17041 of the Revenue and Taxation Code, the income tax bracket and the rate of 9.3 percent set forth in paragraph (1) of subdivision (a) of Section 17041 of the Revenue and Taxation Code shall be modified by each of the following:

(1) For that portion of taxable income that is over two hundred ninety thousand dollars (\$290,000) but not over three hundred fifty thousand dollars (\$350,000), the tax rate is 10.3 percent of the excess over two hundred ninety thousand dollars (\$290,000).

(2) For that portion of taxable income that is over three hundred fifty thousand dollars (\$350,000) but not over five hundred eighty thousand dollars (\$580,000), the tax rate is 11.3 percent of the excess over three hundred fifty thousand dollars (\$350,000).

(3) For that portion of taxable income that is over five hundred eighty thousand dollars (\$580,000) but not over one million dollars (\$1,000,000), the tax rate is 12.3 percent of the excess over five hundred eighty thousand dollars (\$580,000).



(4) For that portion of taxable income that is over one million dollars (\$1,000,000) but not over five million dollars (\$5,000,000), the tax rate is 13.3 percent of the excess over one million dollars (\$1,000,000).

(5) For that portion of taxable income that is over five million dollars (\$5,000,000), the tax rate is 14.3 percent of the excess over five million dollars (\$5,000,000).

(b) The income tax brackets specified in paragraphs (1) through (5) of subdivision (a) of Section 36.5 shall be recomputed, as otherwise provided in subdivision (h) of Section 17041 of the Revenue and Taxation Code, only for taxable years beginning on and after January 1, 2020.

(c) For any taxable year beginning on or after January 1, 2019, with respect to the tax imposed pursuant to Section 17041 of the Revenue and Taxation Code, the income tax bracket and the rate of 9.3 percent set forth in paragraph (1) of subdivision (c) of Section 17041 of the Revenue and Taxation Code shall be modified by each of the following:

(1) For that portion of taxable income that is over three hundred ninety five thousand dollars (\$395,000) but not over four hundred seventy five thousand dollars (\$475,000), the tax rate is 10.3 percent of the excess over three hundred ninety five thousand dollars (\$395,000).

(2) For that portion of taxable income that is over four hundred seventy five thousand dollars (\$475,000) but not over seven hundred ninety thousand dollars (\$790,000), the tax rate is 11.3 percent of the excess over four hundred seventy five thousand dollars (\$475,000).

(3) For that portion of taxable income that is over seven hundred ninety thousand dollars (\$790,000) but not over one million three hundred sixty thousand dollars (\$1,360,000), the tax rate is 12.3 percent of the excess over seven hundred ninety thousand dollars (\$790,000).

(4) For that portion of taxable income that is over one million three hundred sixty thousand dollars (\$1,360,000) but not over six million eight hundred thousand dollars (\$6,800,000), the tax rate is 13.3 percent of the excess over one million three hundred sixty thousand dollars (\$1,360,000).

(5) For that portion of taxable income that is over six million eight hundred thousand dollars (\$6,800,000), the tax rate is 14.3 percent of the excess over six million eight hundred thousand dollars (\$6,800,000).

(d) The income tax brackets specified in paragraphs (1) through (5) of subdivision (c) of Section 36.5 shall be recomputed, as otherwise provided in subdivision (h) of Section 17041 of the Revenue and Taxation Code, only for taxable years beginning on and after January 1, 2020.

(e) For purposes of subdivision (g) of Section 19136 of the Revenue and Taxation Code, this section shall be considered to be chaptered on the date it becomes effective.

(f) For purposes of Part 10 (commencing with Section 17001) of, and Part 10.2 (commencing with Section 18401) of, Division 2 of the Revenue and Taxation Code, the modified tax brackets and tax rates established and imposed by this section shall be deemed to be established and imposed under Section 17041 of the Revenue and Taxation Code.

## **SECTION 5: Use Of Funds**

Section 36.6 is added to Article XIII of the California Constitution as follows:

(a) After satisfying the requirements of Section 36.12, all remaining incremental revenues, less refunds, derived from Section 36.5 shall be deposited into the following special funds herein established:

(1) Fifty (50%) percent to the Children's Education Protection Special Fund

(2) Forty (40%) percent to the Children and their Communities Healthcare Special Fund

(3) Ten (10%) to the Child Care and Early Childhood Education Special Fund

(b) The Children's Education Protection Special Fund, the Children and their Communities Healthcare Special Fund, the Child Care and Early Childhood Education Special Fund, and the Children's Services Rainy Day Special Fund as established pursuant to Section 36.12 may be referred to herein as "the Special Funds."

(c) The Special Funds are hereby created to receive and disburse the revenues derived from the incremental increases in taxes imposed by and specified in Section 36.5. Moneys continuously appropriated from these Special Funds shall be calculated as follows:

(1) Before June 30 of each year, the Director of Finance shall estimate the total amount of additional revenues, less refunds, that will be derived from the incremental increases in tax rates made in

Section 36.5 that will be available for transfer into the Special Funds during the next fiscal year.

(2) During the last 10 days of the quarter of each of the first three quarters of each fiscal year, the Controller shall transfer into the Special Funds one-fourth of the total amount estimated pursuant to paragraph (1) for that fiscal year, except as this amount may be adjusted pursuant to paragraph (4).

(3) In each fiscal year, the Director of Finance shall calculate an adjustment to the Special Funds, as specified by paragraph (4), by adding together the following amounts, as applicable:

(A) In the last quarter of each fiscal year, the Director of Finance shall recalculate the estimate made for the fiscal year pursuant to paragraph (1), and shall subtract from this updated estimate the amounts previously transferred to the Special Funds for that fiscal year.

(B) Every June 1, the Director of Finance shall make a final determination of the amount of additional revenues, less refunds, derived from the incremental increases in tax rates made in Section 36.5 for the fiscal year ending two years prior. The amount of the updated estimate calculated in subparagraph (A) for the fiscal year ending two years prior shall be subtracted from the amount of this final determination.

(4) If the sum determined pursuant to paragraph (3) is positive, the Controller shall transfer an amount equal to that sum into the Special Funds within 10 days preceding the end of the fiscal year. If that amount is negative, the Controller shall suspend or reduce subsequent quarterly transfers, if any, until the total reduction equals the negative amount herein described. For purposes of any calculation made pursuant to subparagraph (A) of paragraph (3),

the amount of a quarterly transfer shall not be modified to reflect any suspension or reduction made pursuant to this paragraph.

(d) All revenues allocated to the Special Funds pursuant to subdivision (a) of Section 36.6 and Section 36.12 shall be used exclusively for the purposes set forth in this Act. These revenues, and appropriations thereof, shall not be deemed General Fund revenues or proceeds of taxes, and shall not be included in any of the calculations required by Section 8 of Article XVI. These revenues, and appropriations thereof, also shall not be counted as appropriations subject to limitation for purposes of Article XIII B of the California Constitution.

(e) Except as provided for in subdivision (b) of Section 36.11, this section is self-executing and requires no legislative action to take effect. Distribution of the moneys in the Special Funds shall not be delayed or otherwise affected by failure of the Legislature and Governor to enact an annual budget bill pursuant to Section 12 of Article IV of the California Constitution, by invocation of subdivision (h) of Section 8 of Article XVI of the California Constitution, or by any other action or failure to act by the Legislature or Governor.

(f) Notwithstanding any other provision of law, the moneys deposited in the Special Funds shall not be used to pay any costs incurred by the Legislature, the Governor, or any agency of state government.

## **SECTION 6: The Children's Education Protection Special Fund**

Section 36.7 is added to Article XIII of the California Constitution as follows:

(a) All moneys in the Children's Education Protection Special Fund are hereby continuously appropriated for the support of school

districts, county offices of education, charter schools, community college districts, and universities as set forth as follows:

(1) Eighty percent (80%) of the moneys appropriated pursuant to this section shall be allocated quarterly by the Superintendent of Public Instruction to provide general purpose funding to school districts, county offices of education, and state general-purpose funding to charter schools in proportion to the local control funding formula calculated pursuant to Chapter 12.5 (commencing with Section 2574) and Sections 42238.02 through 42238.07 of the Education Code, or any successor statutes, for county offices of education, school districts, and charter schools, respectively.

(2) Ten percent (10%) of the moneys appropriated pursuant to this section shall be allocated quarterly by the Board of Governors of the California Community Colleges to community college districts to provide general purpose funding to community college districts in proportion to the amounts determined pursuant to Section 84750.5 of the Education Code, or any successor statute.

(3) Ten percent (10%) of the moneys appropriated pursuant to this section shall be allocated quarterly to improve access to higher education at the California State University and the University of California.

(b) A community college district, county office of education, school district, or charter school shall have sole authority, subject to existing laws and regulations, to determine how the moneys received from the Children's Education Protection Special Fund are spent in the school or schools within its jurisdiction, provided, however, that the appropriate governing board or body shall make these spending determinations in open session of a public meeting of the governing board or body and shall not use any of the funds from the Children's Education Protection Special Fund for salaries

or benefits of administrators or any other administrative costs. Each university, community college district, county office of education, school district, and charter school shall annually publish on its Internet Web site an accounting of how much money was received from the Children's Education Protection Special Fund and how that money was spent. A county office of education, school district or charter school may use the local control accountability plan process established by Article 4.5 (commencing with Section 52060) of the Education Code to fulfill the accountability and public disclosure requirements of this section.

### **SECTION 7: The Children and their Communities Healthcare Special Fund**

Section 36.8 is added to Article XIII of the California Constitution as follows:

(a) All moneys in the Children and their Communities Healthcare Special Fund are hereby continuously appropriated for the support of persons enrolled in the California Medical Assistance Program, known as Medi-Cal, codified in Welfare & Institutions Code Section 14000 et seq., to promote timely and reasonable access to healthcare services for children, and other Medi-Cal enrollees in their communities. The moneys in the Children and their Communities Healthcare Special Fund, together with any interest and dividends earned on money in the fund, shall be used to enhance federal financial participation under the Medi-Cal program to the extent such federal financial participation is available, but shall be used for the purposes set forth in this section regardless of whether federal financial participation is available.

(b) There shall be created in the Children and their Communities Healthcare Special Fund a Hospital, Emergency, and Trauma Services Protection Account. Sixty-five percent (65%) of the moneys

in the Children and their Communities Special Fund shall be allocated and deposited in the Hospital, Emergency, and Trauma Services Protection Account. Moneys in the Hospital, Emergency, and Trauma Services Protection Account may only be used to raise the payments for services provided to Medi-Cal enrollees by hospitals licensed pursuant to subdivisions (a) and (b) of Section 1250 of the Health and Safety Code, whether paid directly by the State or indirectly by a healthcare delivery system that manages the provision of healthcare for eligible Medi-Cal enrollees, or to replace health care related taxes or fees derived from hospitals.

(c) The remaining thirty-five percent (35%) of the moneys in the Children and their Communities Healthcare Special Fund shall be allocated and deposited in the Medical and Community-Based Services Protection Account, which is hereby created in the Children and their Communities Healthcare Special Fund. Moneys in the Medical and Community-Based Services Protection Account may only be used to raise the reimbursement rates paid to doctors, and other providers of children's healthcare services participating in Medi-Cal, whether paid directly by the State or indirectly by a healthcare delivery system that manages the provision of healthcare for eligible Medi-Cal enrollees.

### **SECTION 8: The Child Care and Early Childhood Education Special Fund**

Section 36.9 is added to Article XIII of the California Constitution as follows:

All moneys in the Child Care and Early Childhood Education Special Fund are hereby continuously appropriated to improve and expand access to and quality of child care and child development programs authorized in Education Code Sections 8200 through 8331, as well



as child care programs authorized pursuant to Education Code Sections 8353 through 8355.

**SECTION 9: Transparency And Accountability**

Section 36.10 is added to Article XIII of the California Constitution as follows:

(a) The Controller, pursuant to his or her statutory authority, shall at least annually conduct a financial and compliance audit of expenditures from the Special Funds to ascertain and verify that the funds provided from the Special Funds have been properly disbursed and expended as required by this Act. Reasonable expenses incurred by state and local agencies to comply with the audit requirement of this section may be paid with funding from the Special Funds, and shall not be considered administrative costs.

(b) The State Auditor shall annually conduct a performance audit of the Departments that received money from one or more of the Special Funds during the previous year in order to determine whether the moneys the Departments received are improving the lives of children and young adults consistent with the intent of this Act and whether the moneys the Departments received are increasing access to and quality of services. The Auditor may in its performance audit suggest amendments to this Act or reforms to ensure that the moneys raised by this Act are efficiently and effectively spent. The Auditor shall annually conduct an audit of the funds appropriated pursuant to Section 36.8 in order to determine whether Medi-Cal reimbursement rates are sufficient for providers, on average, to recover their costs. Reasonable expenses incurred by state and local agencies to comply with the audit requirements of this section may be paid with funding from the Special Funds, and shall not be considered administrative costs.

(c) All documents generated in the course of implementation of this Act by state agencies that are public records pursuant to the California Public Records Act, Government Code Section 6250 et seq., shall be posted online and linked from the home page of the state agency that generated the documents with the words “Documents Related To Implementing the Invest in California’s Children Act” in no less than 10 (ten) point font. All hearings that are required to be open to the public pursuant to the Administrative Procedures Act, Government Code Section 11340 et seq., shall be webcast live and available online for no less than one year after the date of the hearing. Reasonable expenses incurred by state and local agencies to comply with this subdivision may be paid with funding from the Special Funds, and shall not be considered administrative costs.

(d) The Attorney General or local district attorney shall expeditiously investigate, and may seek civil or criminal penalties for, any misuse of moneys from the Special Funds.

### **SECTION 10: Protecting the Special Funds**

Section 36.11 is added to Article XIII of the California Constitution as follows:

(a) Except as provided for in subdivision (b) of this section, the funds raised by Section 36.5 shall be utilized only in furtherance of the Act. These funds shall not be used to supplant existing federal, state, or county funds, with the exception of replacing health care related taxes or fees derived from hospitals.

(b) If the Governor declares a budget emergency in accordance with subdivision (b) of Section 22 of Article XVI of the California Constitution, the Legislature may, upon a fifty-five percent (55%) vote, withdraw and appropriate money from the Special Funds or

suspend appropriations to the Special Funds that are otherwise required by Section 36.6 for the duration of the budget emergency, but not to exceed three consecutive fiscal years. Any withdrawal from or suspension of appropriations to the Special Funds under this subdivision shall not exceed fifty percent (50%) of the most recent calculation pursuant to paragraph (1) of subdivision (c) of Section 36.6 and shall be applied proportionately to each of the Special Funds in accordance with the percentages established in paragraphs (1) through (3) of subdivision (a) of Section 36.6.

### **SECTION 11: Children’s Services Rainy Day Special Fund**

Section 36.12 is added to Article XIII of the California Constitution as follows:

(a) Three percent (3%) of the incremental revenues raised by Section 36.5 are continuously appropriated to the Children’s Services Rainy Day Special Fund, which is hereby created by this Act. The three percent (3%) appropriation shall take place until the balance reaches twenty percent (20%) of the annual incremental revenue raised by Section 36.5, whereupon annual appropriations shall be temporarily reduced or suspended until the balance falls below twenty percent (20%).

(b) If the Governor declares a budget emergency in accordance with subdivision (b) of Section 22 of Article XVI of the California Constitution, the Legislature may, upon a fifty-five percent (55%) vote, withdraw and appropriate money from the Children’s Services Rainy Day Special Fund or suspend appropriations to the fund that are otherwise required in subdivision (a). Such appropriations may be made for purposes that would otherwise violate subdivision (a) of Section 36.11. No more than fifty percent (50%) of the balance of the Children’s Services Rainy Day Special Fund may be withdrawn and appropriated in any fiscal year, unless funds in the Children’s

Services Rainy Day Special Fund have been withdrawn and appropriated in the immediately preceding fiscal year.

### **SECTION 12: Conflicting Measures**

In the event that this measure and another measure or measures imposes an incremental increase in the tax rates for personal income appear on the same statewide ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

### **SECTION 13: Amendment**

(a) The Legislature may amend this Act with a two-thirds vote, but only to further its purposes.

(b) References in this Act to successor statutes shall be narrowly construed and shall not be construed to permit the Legislature to amend this Act in violation of subdivision (a).

### **SECTION 14: Legal Challenges**

(a) Notwithstanding any other provision of law, and to ensure that the purposes and intent of this Act are effectuated, a court shall exercise its independent judgment in adjudicating any claim that this Act has been violated.

(b) Notwithstanding any other provision of law, if the State, government agency, or any of its officials fail to defend the constitutionality of this Act, following its approval by the voters, any other government employer, the proponent, or in his or her absence,

any citizen of this State shall have the authority to intervene in any court action challenging the constitutionality of this Act for the purpose of defending its constitutionality, whether such action is in trial court, on appeal, and on discretionary review by the Supreme Court of California and/or the Supreme Court of the United States. The fees and costs of defending the action shall be a charge on funds appropriated to the Attorney General, which shall be satisfied promptly.

### **Section 15: Severability**

If any provision of this measure, or any part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.