AMENDED IN SENATE SEPTEMBER 8, 1995

AMENDED IN SENATE JULY 12, 1995

AMENDED IN SENATE JULY 3, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL No. 1566

Introduced by Assembly Member Rainey

February 24, 1995

An act to amend Sections 8726 and 8763 of the Business and Professions Code, to amend Section 18380 of the Education Code, to amend Sections ~~66434~~ *53227.2, 66434,* and 66445 of, and to add Section 61601.24 to, the Government Code, to amend Sections 8801, 8811, and 8813 of, and to add Sections 8813.1, 8813.2, 8815.1, 8815.2, 8815.3, and 8815.4 to, the Public Resources Code, to amend Sections 6354 and 12772 of the Public Utilities Code, and to repeal Sections 1 and 7 of Chapter 837 of the Statutes of 1992, relating to local agencies, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1566, as amended, Rainey. Local agencies.

Existing law defines the practice of land surveying for the purposes of licensure of surveyors.

This bill would define geodetic surveying within the definition of land surveying.

Existing law, the Professional Land Surveys Act, specifies the physical characteristics of the map that is the record of a survey.

This bill would revise those characteristics, as specified, and would make conforming changes.

Existing law establishes a system of plane coordinates known as the California Coordinate System of 1927.

This bill would state that the system of horizontal geodetic control stations within California whose horizontal positions have been determined as specified shall be known as the ‘‘California Spatial Reference System-Horizontal’’ and would make other changes concerning the California Coordinate System.

Existing law provides that the board of directors of a municipal utility district may dispose of records no longer of value if specified conditions are met.

This bill would permit that disposition under other specified conditions.

Under existing law, an extension was granted, under specified circumstances, to the County of Nevada for preparation of an updated general plan.

This bill would repeal provisions of existing law relating to that extension.

Existing law requires the library trustees of a union high school library district to meet at least once a month.

This bill would require those library trustees to meet at least quarterly.

Enacted law that will become operative January 1, 1996, will provide that an employee of a local agency, as defined, may not be sworn into office as an elected or appointed member of the legislative body of that local agency unless he or she resigns as an employee.

This bill would expressly exclude county from the definition of local agency in that provision.

Existing law provides that a local entity may form a community services district to exercise certain powers within its jurisdiction.

This bill would permit the Leavitt Lake and Westwood Community Services Districts to provide for animal control.

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

Vote: $^{2}/_{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

SECTION 1. This act shall be known and may be cited as the Omnibus Local Government Act of 1995.

The Legislature finds and declares that operating costs can be decreased by reducing the number of separate bills affecting related topics by consolidating these bills into a single measure. Therefore, in enacting this act, it is the intent of the Legislature to consolidate several minor, noncontroversial statutory changes relating to public agencies into a single measure.

SEC. 2. Section 8726 of the Business and Professions Code is amended to read:

8726. A person, including any person employed by the state or by a city, county, or city and county within the state, practices land surveying within the meaning of this chapter who, either in a public or private capacity, does or offers to do any one or more of the following:

(a) Locates, relocates, establishes, reestablishes, or retraces the alignment or elevation for any of the fixed works embraced within the practice of civil engineering, as described in Section 6731.

(b) Determines the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto, by means of measuring lines and angles, and applying the principles of mathematics or photogrammetry.

(c) Locates, relocates, establishes, reestablishes, or retraces any property line or boundary of any parcel of land, right-of-way, easement, or alignment of those lines or boundaries.

(d) Makes any survey for the subdivision or resubdivision of any tract of land. For the purposes of this subdivision, the term ''subdivision'' or ''resubdivision'' shall be defined to include, but not be limited to, the definition in the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7 of the Government Code) or the Subdivided Lands Law (Chapter 1 (commencing with Section 11000) of Part 2 of Division 4 of this code).

(e) By the use of the principles of land surveying determines the position for any monument or reference point which marks a property line, boundary, or corner, or sets, resets, or replaces any monument or reference point.

(f) Geodetic or cadastral surveying. As used in this chapter, geodetic surveying means performing surveys, in which account is taken of the figure and size of the earth to determine or predetermine the horizontal or vertical positions of points, monuments, or stations for use in the practice of land surveying or for stating the position of geodetic control points, monuments, or stations by California Coordinate System coordinates.

(g) Determines the information shown or to be shown on any map or document prepared or furnished in connection with any one or more of the functions described in subdivisions (a), (b), (c), (d), (e), and (f).

(h) Indicates, in any capacity or in any manner, by the use of the title ‘‘land surveyor’’ or by any other title or by any other representation that he or she practices or offers to practice land surveying in any of its branches.

(i) Procures or offers to procure land surveying work for himself, herself, or others.

(j) Manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced.

(k) Coordinates the work of professional, technical, or special consultants in connection with the activities authorized by this chapter.

(*l*) Determines the information shown or to be shown within the description of any deed, trust deed, or other title document prepared for the purpose of describing the limit of real property in connection with any one or more of the functions described in subdivisions (a) to (f), inclusive.

(m) Creates, prepares, or modifies electronic or computerized data in the performance of the activities described in subdivisions (a), (b), (c), (d), (e), (f), (k), and (*l*).

Any department or agency of the state or any city, county, or city and county which has an unregistered person in responsible charge of land surveying work on January 1, 1986, shall be exempt from the requirement that the person be licensed as a land surveyor until the person currently in responsible charge is replaced.

The review, approval, or examination by a governmental entity of documents prepared or performed pursuant to this section shall be done by, or under the direct supervision of, a person authorized to practice land surveying.

SEC. 3. Section 8763 of the Business and Professions Code is amended to read:

8763. The record of survey shall be a map, legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth, or polyester base film, 18 by 26 inches or 460 by 660 millimeters. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch or 025 millimeters.

SEC. 4. Section 18380 of the Education Code is amended to read:

18380. A board of library trustees shall meet at least quarterly, at the time and place that it may fix by resolution.

SEC. 4.5. Section 53227.2 of the Government Code, as added by Chapter 237 of the Statutes of 1995, is amended to read:

53227.2. For purposes of this article, the following definitions apply:

(a) ‘‘Local agency’’ means a city, city and county, district, municipal or public corporation, political subdivision, or other public agency of the state. *‘‘Local agency’’ does not include a county.*

(b) ‘‘Legislative body’’ means the board of supervisors of a city and county, the city council of a city, or the governing body of a district, municipal or public

corporation, political subdivision, or other public agency of the state.

SEC. 5. Section 61601.24 is added to the Government Code, to read:

61601.24. In addition to the powers that may be exercised pursuant to Section 61600, the Leavitt Lake and Westwood Community Services Districts may provide for animal control, subject to the consent of the Board of Supervisors of Lassen County.

SEC. 6. Section 66434 of the Government Code is amended to read:

66434. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) All survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon shall be shown, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and any information which may be necessary to determine the

location of the centers of curves and ties to existing monuments used to establish the subdivision boundaries.

(d) Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated.

(e) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

If the map includes a ‘‘designated remainder’’ parcel, and the gross area of the ‘‘designated remainder’’ parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

A parcel designated as ‘‘not a part’’ shall be deemed to be a ‘‘designated remainder’’ for purposes of this section.

(f) On and after January 1, 1987, no additional requirements shall be included which do not affect record title interests. However, the map shall contain a notation or reference to additional information required by a local ordinance adopted pursuant to Section 66434.2.

SEC. 7. Section 66445 of the Government Code is amended to read:

66445. The parcel map shall be prepared by, or under the direction of, a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property, and shall conform to all of the following provisions:

(a) It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates or statements, affidavits, and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches or 460 by 660 millimeters. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch or 025 millimeters. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) Each parcel shall be numbered or lettered and each block may be numbered or lettered. Each street shall be named or otherwise designated.

(d) (1) The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.

(2) The map shall show the location of each parcel and its relation to surrounding surveys. If the map includes a ‘‘designated remainder’’ parcel or similar parcel, and the gross area of the ‘‘designated remainder’’ parcel or similar parcel is five acres or more, that remainder parcel need not be shown on the map and its location need not be indicated as a matter of survey, but only by deed reference to the existing boundaries of the remainder parcel.

(3) A parcel designated as ‘‘not a part’’ shall be deemed to be a ‘‘designated remainder’’ for purposes of this section.

(e) Subject to the provisions of Section 66436, a statement, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required, except that less inclusive requirements may be provided by local ordinance.

With respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the statement shall be signed and acknowledged by the subdivider only. If the subdivider does not have a record title ownership interest in the property to be divided, the local agency may require that

the subdivider provide the local agency with satisfactory evidence that the persons with record title ownership have consented to the proposed division. For purposes of this paragraph, ‘‘record title ownership’’ shall mean fee title of record unless a leasehold interest is to be divided, in which case ‘‘record title ownership’’ shall mean ownership of record of the leasehold interest. Record title ownership does not include ownership of mineral rights or other subsurface interests which have been severed from ownership of the surface.

(f) Notwithstanding any other provision of this article, local agencies may require that those statements and acknowledgments required pursuant to subdivision (e) be made by separate instrument to be recorded concurrently with the parcel map being filed for record.

(g) On and after January 1, 1987, no additional survey and map requirements shall be included on a parcel map which do not affect record title interests. However, the map shall contain a notation of reference to survey and map information required by a local ordinance adopted pursuant to Section 66434.2.

(h) Whenever a certificate or acknowledgment is made by separate instrument, there shall appear on the final map a reference to the separately recorded document. This reference shall be completed by the county recorder pursuant to Section 66468.1.

(i) If a field survey was performed, the parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that states that all monuments are of the character and occupy the positions indicated, or that they will be set in those positions on or before a specified date, and that the monuments are, or will be, sufficient to enable the survey to be retraced.

SEC. 8. Section 8801 of the Public Resources Code is amended to read:

8801. (a) The system of plane coordinates which has been established by the United States Coast and Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of

California is based on the North American Datum of 1927 and is identified as the ‘‘California Coordinate System.’’ After January 1, 1987, this system shall be known as the ‘‘California Coordinate System of 1927.’’

(b) The system of plane coordinates which has been established by the National Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the State of California and which is based on the North American Datum of 1983 shall be known as the ‘‘California Coordinate System of 1983.’’

(c) As used in this chapter:

(1) ‘‘NAD27’’ means the North American Datum of 1927.

(2) ‘‘CCS27’’ means the California Coordinate System of 1927.

(3) ‘‘NAD83’’ means the North American Datum of 1983.

(4) ‘‘CCS83’’ means the California Coordinate System of 1983.

(5) ‘‘USC&GS’’ means the United States Coast And Geodetic Survey.

(6) ‘‘NGS’’ means the National Geodetic Survey.

(7) ‘‘FGCS’’ means the Federal Geodetic Control Subcommittee or its successor.

(d) The use of the term ‘‘State Plane Coordinates’’ refers only to CCS27 and CCS83 coordinates.

(e) The system of horizontal geodetic control stations within California whose horizontal positions have been determined by Global Positioning System survey methods in accordance with first order or better FGCS standards and specifications and whose positions are published by the NGS or its successor, shall be known as the ‘‘California Spatial Reference System-Horizontal.’’ ‘‘CSRS-H’’ as used in this chapter shall mean the California Spatial Reference System-Horizontal.

SEC. 9. Section 8811 of the Public Resources Code is amended to read:

8811. The state plane coordinates of a point in any zone shall be based upon the plane coordinates of

published horizontal control stations or derived from published horizontal control stations of the USC&GS and the NGS or their successors, as specified in Sections 8813, 8813.1, and 8813.2.

SEC. 10. Section 8813 of the Public Resources Code is amended to read:

8813. The CCS27 and CCS83 coordinates shall be based on monumented first- and second-order stations or better which have been published by USC&GS and NGS or their successors as specified in this section and in Sections 8813.1 and 8813.2. The geodetic positions of CCS27 and CCS83 stations which are used to increase the density of control and which purport to be of first- or second-order accuracy shall have been surveyed in conformity with first- or second-order survey standards and specifications in effect at the time of the survey as defined by the Federal Geodetic Control Subcommittee. If an FGCS order of accuracy is claimed for a survey or a map, it shall be justified by additional written data that show equipment, procedures, closures, adjustments, and a control diagram.

SEC. 11. Section 8813.1 is added to the Public Resources Code, to read:

8813.1. Prior to January 1, 2000, any survey or map which is to be based on state plane coordinates shall show established field-observed direct, nontrivial, connections to at least two stations of corresponding or better accuracy whose credentials are based upon published stations of USC&GS or NGS or their successors.

SEC. 12. Section 8813.2 is added to the Public Resources Code, to read:

8813.2. After December 31, 1999, any survey or map which is to be based on state plane coordinates shall show established field-observed direct, nontrivial, connections to at least two stations that are:

(a) Included in the CSRS-H.

(b) Included in the NGS National Geodetic Reference System, or its successor, and having a FGCS accuracy standard of B order or better.

(c) Shown on a subdivision map, record of survey, or a map filed with the county surveyor by a public officer and whose horizontal positions have been determined by Global Positioning System survey methods in accordance with first order or better FGCS standards and specifications and whose state plane coordinates are based on field-observed direct, nontrivial, connections to at least two stations that are included in the CSRS-H or included in the NGS National Geodetic Reference System, or its successor, and having a FGCS accuracy standard of B order or better.

SEC. 13. Section 8815.1 is added to the Public Resources Code, to read:

8815.1. When CCS83 coordinates are shown on any map or document, the map, corner record, or document shall state the epoch (date) that is the basis of the coordinate values shown. The epoch shall be shown on the map, corner record, or document by an appropriate note on the map, corner record, or document or by adding a suffix in parentheses after CCS83 which states the epoch; for example, ‘‘CCS83’’ is the epoch in a decimal year format.

SEC. 14. Section 8815.2 is added to the Public Resources Code, to read:

8815.2. The epoch for a survey using CCS83 coordinate shall be the latest NGS-published epoch of the controlling stations for the survey. If the latest published epochs of the controlling stations are not the same, the epoch of the controlling station having the latest epoch shall be used.

SEC. 15. Section 8815.3 is added to the Public Resources Code, to read:

8815.3. When the latest epochs of the controlling stations for a survey using CCS83 coordinates are not the same, appropriate adjustments shall be made to the horizontal positions of controlling stations having earlier epochs so that the coordinates of all the controlling stations are consistent. These adjustments in the horizontal positions of controlling stations shall be made

in accordance with NGS-published procedures and values.

SEC. 16. Section 8815.4 is added to the Public Resources Code, to read:

8815.4. When CCS83 coordinate values are shown on any map, corner record, or document, the map, corner record, or document shall show the FGCS order of accuracy for all monumented stations having a purported order of accuracy of second order or better.

SEC. 17. Section 6354 of the Public Utilities Code is amended to read:

6354. (a) Surcharges calculated pursuant to Section 6353 shall be recovered from the transportation customer through the energy transporter's normal billing process.

(b) Surcharges collected from the transportation customer shall be remitted to the municipality granting a franchise pursuant to this division in the manner and at the time prescribed for payment of franchise fees in the energy transporter's franchise agreement. In recognition of costs to be incurred by energy transporters in administering the surcharge established by this chapter, the energy transporter may retain interest earned on cash balances resulting from the timing difference between the monthly collection of the surcharge and the remittance thereof, as required by individual franchise agreements.

(c) In the event that payment on a transportation customer closed account becomes more than 90 days delinquent, or a transportation customer notifies the utility that they refuse to pay the surcharge, the energy transporter shall, within 30 days, notify the municipality of the delinquency and provide information on the name and address of the delinquent transportation customer and the surcharge amount owed. The energy transporter shall not be liable for these delinquent surcharges.

(d) The municipality, including its authorized officials, employees and agents shall use the delinquent transportation customer information only for the purpose of enforcing the surcharge and shall not disclose the information to any officials, employees, agents, or any

third parties who are not responsible for and involved in the enforcement of the municipality's franchise agreements. Nothing herein precludes the municipality, through appropriate officials, employees or agents, from contacting the transportation customers in order to collect any surcharges due from the transportation customer.

(e) By March 31 of each year, every person, firm, or corporation that transports gas or electricity to any other person, firm, or corporation within a municipality, upon request of the municipality, shall provide the names and addresses of each of its transportation customers and such other information for the preceding calendar year as may be necessary for the municipality to enforce its taxes and fees. The municipality, including its authorized employees and agents, shall use the transportation customer information and any other customer specific information only for the purpose of enforcing its taxes and fees and shall not disclose the information to any officials, employees, agents, or any third parties not responsible for, and involved in, the enforcement of the taxes and fees. Nothing in this subdivision shall prohibit the municipality, through appropriate officials, employees, or agents, from contacting the customers in order to collect any taxes and fees due from the customer.

(f) Notwithstanding any other provision of law, any transportation customer information provided by an energy transporter to a municipality pursuant to this chapter or pursuant to a utility user tax ordinance is not a public record within the definitions contained in the Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(g) In acknowledgment of the potential for systems startup costs to be incurred by the energy transporters in implementing this chapter, authorization is hereby granted for each energy transporter to retain 10 percent of the added fees collected pursuant to this chapter on transported gas or electricity for systems startup costs not to exceed seven hundred fifty thousand dollars

($750,000), provided that the portion of collections withheld by the energy transporter shall be apportioned to all municipalities based upon each municipality's share of total franchise fees allocated by the transporter in the prior calendar year.

(h) Surcharges collected pursuant to this chapter shall be separately identified on the transportation customer's normal bill. At the request of the energy transporter, the municipality shall publish notice in a newspaper of general circulation announcing the change in method of collecting franchise fees brought about by deregulation. Energy transporters may send out notice to transportation customers announcing the change in method of collecting franchise fees through the surcharge. The mailing costs incurred by the energy transporter shall be considered to be part of the implementation costs referenced in subdivision (g).

(i) In the case of partial payment by a transportation customer, the transportation customer payment shall first be applied to the energy transporter charges. Only after all energy transporter charges have been satisfied, shall remaining payment amounts be used to satisfy the municipality's surcharge requirement.

(j) Energy transporter collection of the surcharge shall begin on or before April 1, 1994. During the interim period between expiration of the targeted sales program and implementation of the energy transporters surcharge collection program, upon request of the municipality, the energy transporter shall provide the municipality with a monthly list of the names and addresses of the transportation customers within the municipality's jurisdiction, the volume of transported gas in therms, the applicable tariffed core subscription weighted average cost of gas (WACOG) exclusive of any California sourced franchise factor, and the franchise fee factor authorized by the commission to enable the municipality to collect the surcharge directly from the transportation customers. Notwithstanding any other provision of law, except as provided in Section 6352, a municipality is hereby authorized to collect an interim

surcharge computed in accordance with Section 6353 until the energy transporter commences billing of the surcharge pursuant to this chapter.

SEC. 18. Section 12772 of the Public Utilities Code is amended to read:

12772. Whenever the board by resolution determines that any record, map, book, or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition. Nothing in this section shall prevent the board from establishing procedures whereby categories of original records, maps, books, or papers designated by the board as having further value may be destroyed without further approval by the board if all of the conditions of Section 60203 of the Government Code are complied with.

SEC. 19. Section 1 of Chapter 837 of the Statutes of 1992 is repealed.

SEC. 20. Section 7 of Chapter 837 of the Statutes of 1992 is repealed.

SEC. 21. If any provision of this act or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 22. All sections of this act except Sections 19 and 20 shall become operative January 1, 1996.

SEC. 23. 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 enable local agencies to carry out their duties and responsibilities in a timely, effective, and efficient manner, it is necessary that this act take immediate effect.

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