

AMENDED IN ASSEMBLY AUGUST 23, 1999

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 8, 1999

AMENDED IN ASSEMBLY JUNE 17, 1999

AMENDED IN SENATE MAY 3, 1999

AMENDED IN SENATE APRIL 7, 1999

SENATE BILL

No. 275

Introduced by Committee on Local Government (Senators Rainey (Chair), Baca, Johannessen, Johnston, Monteith, Perata, and Polanco

February 1, 1999

An act to amend Section 13.5 of the Elections Code, to amend Sections 27000.8, 27000.9, 27063, 30063, 37361, 56332, 56853, 56857, 61107, 65307, 65850, 65850.4, 65956, 66451.2, 66458, 66498.1, 66498.2, and 66498.3 of, and to repeal Section 77202.5 of, the Government Code, to amend Sections 4730.6, 13114.2, and 13890 of the Health and Safety Code, and to amend Sections 98.02, 99, 4986.3, and 11005 of the Revenue and Taxation Code, relating to local agencies, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 275, as amended, Committee on Local Government. 1999 Local Agency Omnibus Act.

(1) Existing law provides that in order to be considered a legally qualified candidate for certain county and judicial offices, a person is required to file specified documents.

This bill would add to those offices requiring the filing of those documents the offices of county treasurer, county tax collector, and county treasurer-tax collector.

(2) Existing law authorizes a county board of supervisors to enact an ordinance adopting continuing education requirements for the office of county treasurer, county tax collector, or county treasurer-tax collector within the discipline of treasury management or public finance or both.

This bill would also permit the continuing education requirements to be within the disciplines of public administration, governmental accounting, or directly related subjects.

(3) Existing law requires the county treasurer to file with the county board of supervisors a monthly report of funds received and disbursed.

This bill would authorize a county auditor to file those reports if the county treasurer and county auditor have a written agreement.

(4) Existing law requires the county auditor and the city treasurer to file a written report on or before September 1 each year with the Supplemental Law Enforcement Oversight Committee and the local governing body detailing and summarizing allocations from the county's or city's Supplemental Law Enforcement Services Fund, as applicable for the entire preceding year. Existing law requires local officials to hold a public hearing in September in each year that the Legislature appropriates money to the fund for the purpose of considering requests for money from the fund.

This bill instead would require the report to be filed on or before the date of the duly noticed public hearing.

(5) Existing law authorizes the legislative body of a city to impose appropriate and reasonable control of the use or appearance of neighboring private property within public view of places, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value.



This bill would make corrective, technical changes in that provision.

(6) Under existing law, when the executive officer of a local agency formation commission determines that it is not feasible to hold a meeting of the special district selection committee for the purpose of selecting the special district representatives to the commission or for filling a vacancy, the executive officer may conduct the selection process by delivering the necessary papers, or sending them by certified mail, to each independent special district.

This bill would additionally authorize this selection process to be conducted by electronic mail.

(7) Existing law requires the executive officer of a local agency formation commission to mail a copy of the commission's resolution of its determinations concerning a proposed change of organization or reorganization to the chief petitioners, if any, each affected local agency whose boundaries would be changed, and the conducting authority.

This bill would authorize the executive officer to transmit the resolutions by electronic mail.

(8) Under existing law, when a local agency formation commission is requested to amend or reconsider a resolution making determinations, the deadline for filing certain actions is tolled during the time it takes the commission to act on the request.

This bill would toll the time for filing any action during the time it takes the commission to act on the request.

(9) Existing law specifies the proceedings necessary to form a community services district.

This bill would correct a technical error in that provision.

(10) Existing law requires that on or before October 1, the planning agency of each city or county shall annually report to its legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of its general plan and progress in its implementation.

This bill would correct an obsolete cross-reference in that provision.

(11) Existing law authorizes cities and counties to adopt zoning ordinances including content neutral zoning



ordinances, regulating the time, place, and manner of operation of sexually oriented businesses, subject to specified conditions.

This bill would make a technical nonsubstantive change to those provisions.

(12) Under existing law, the failure of a development project applicant to submit complete or adequate information under the Permit Streamlining Act may be grounds for disapproving the project.

This bill would correct an obsolete cross-reference in that provision.

(13) Existing law permits cities and counties to establish fees for processing tentative, final, and parcel subdivision maps and related procedures.

This bill would correct obsolete cross-references in that provision.

(14) Under existing law, the legislative body of a city or county is required to provide specified notice of a pending approval or disapproval of a final subdivision map by the official to whom that authority has been delegated.

This bill instead would require that the notice be given by the clerk of the legislative body.

(15) Existing law specifies the time period for which rights exist that are conferred by a vesting tentative map.

This bill would correct obsolete cross references to that provision in other provisions of the Subdivision Map Act.

(16) Under existing law, in any year that the net county benefit for Ventura County between the property taxes allocated to cities by the county and the state money received by the county under the Trial Court Funding Program is less than \$5,262,500, the county receives a special subvention from vehicle license fee revenues.

This bill instead would establish a subvention of vehicle license fee revenues to Ventura County equal to 60% of the property tax revenue allocated to no and low property tax cities.

(17) Existing law provides for the establishment of the Ventura Regional Sanitation District, and further provides that the board of directors shall be the governing board of the district. Existing law also provides for an independent special



district committee, composed of the presiding officers of specified independent special districts.

This bill would redesignate the independent special district committee as the special district committee, and would revise the membership requirements for that committee.

(18) *Existing law requires the State Fire Marshal to adopt regulations and standards on or before September 1, 1999, to control the quality and installation of burglar bars and safety release mechanisms and prohibits, on and after October 1, 1999, the installation, marketing, distribution, offer for sale, or sale of those items if they have not been approved by a testing laboratory recognized by the State Fire Marshal.*

This bill would specify that the burglar bars and safety release mechanisms are for emergency escape/rescue windows or doors, require that the regulations be adopted on or before January 1, 2000, and provide that the prohibition against unapproved items shall commence on July 1, 2000.

(19) The Fire Protection District Law requires fire districts to adopt budgets conforming to specified state regulations.

This bill would correct an obsolete reference to those regulations.

~~(19)~~

(20) Existing law authorizes the cancellation of property taxes and special taxes imposed to pay for bonds in certain situations where the property was acquired by a city through foreclosure.

This bill would also permit these procedures for tax cancellation to be applied to property acquired through foreclosure by counties, cities and counties, special districts, school districts, and joint powers agencies.

~~(20)~~

(21) Existing law generally requires those agencies affected by a proposed jurisdictional change to negotiate, in accordance with specified procedures, an exchange of property tax revenues to reflect the changes in service area obligations that will result from the jurisdictional change. The process of negotiation, mediation, and arbitration concludes no more than 150 days after the initiation of proceedings for the jurisdictional change before the local agency formation commission.



This bill instead would require negotiation, mediation, and arbitration to be concluded no more than 150 days after the auditor provides specified property tax information to the local agencies.

~~(21)~~

(22) This bill would declare that it is to take effect immediately as an urgency statute but would also provide that all but specified provisions of the bill shall become operative on January 1, 2000.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. (a) This act shall be known and may be
2 cited as the 1999 Local Agency Omnibus Act.

3 (b) The Legislature finds and declares that
4 Californians desire their government to be run efficiently
5 and economically, and that public officials should avoid
6 waste and duplication whenever possible. The
7 Legislature further finds and declares that it desires to
8 control its own operating costs by reducing the number
9 of separate bills. Therefore, it is the intent of the
10 Legislature in enacting this act to combine several minor,
11 noncontroversial statutory changes relating to public
12 agencies into a single measure.

13 SEC. 5. Section 13.5 of the Elections Code is amended
14 to read:

15 13.5. (a) (1) Notwithstanding subdivision (a) of
16 Section 13, no person shall be considered a legally
17 qualified candidate for any of the offices set forth in
18 subdivision (b) unless that person has filed a declaration
19 of candidacy, nomination papers, or statement of write-in
20 candidacy, accompanied by documentation, including,
21 but not necessarily limited to, certificates, declarations
22 under penalty of perjury, diplomas, or official
23 correspondence, sufficient to establish, in the
24 determination of the official with whom the declaration
25 or statement is filed, that the person meets each



1 qualification established for service in that office by the
2 provision referenced in subdivision (b).

3 (2) The provision of “documentation,” for purposes of
4 compliance with the requirements of paragraph (1), may
5 include the submission of either an original, as defined in
6 Section 255 of the Evidence Code, or a duplicate, as
7 defined in Section 260 of the Evidence Code.

8 (b) This section shall be applicable to the following
9 offices and qualifications therefor:

10 (1) For the office of county auditor, the qualifications
11 set forth in Sections 26945 and 26946 of the Government
12 Code.

13 (2) For the office of county district attorney, the
14 qualifications set forth in Sections 24001 and 24002 of the
15 Government Code.

16 (3) For the office of county sheriff, the qualifications
17 set forth in Section 24004.3 of the Government Code.

18 (4) For the office of county superintendent of schools,
19 the qualifications set forth in Sections 1205 to 1208,
20 inclusive, of the Education Code.

21 (5) For the office of judge of the municipal court, the
22 qualifications set forth in Article 4 (commencing with
23 Section 71140) of Chapter 6 of Title 8 of the Government
24 Code.

25 (6) For the office of judge of the superior court, the
26 qualifications set forth in Section 15 of Article VI of the
27 California Constitution.

28 (7) For the office of county treasurer, county tax
29 collector, or county treasurer-tax collector, the
30 qualifications set forth in Section 27000.7 of the
31 Government Code, provided that the board of
32 supervisors has adopted the provisions of that section
33 pursuant to Section 27000.8 of the Government Code.

34 SEC. 6. Section 27000.8 of the Government Code is
35 amended to read:

36 27000.8. Any duly elected county treasurer, county
37 tax collector, or county treasurer-tax collector serving in
38 that office on January 1, 1996, may serve for his or her
39 remaining term of office during which period of time the
40 requirements of this section shall not apply. After the



1 election of a county treasurer, county tax collector, or
2 county treasurer-tax collector to office, that person shall
3 complete a valid continuing course of study as prescribed
4 in this section, and shall during the person's four-year
5 term of office on or before June 30 of the fourth year,
6 render to the State Controller a certification indicating
7 that the person has successfully completed a continuing
8 education program consisting of, at a minimum, 48 hours,
9 or an equivalent amount of continuing education units
10 within the discipline of treasury management, public
11 finance, public administration, governmental
12 accounting, or directly related subjects, offered by a
13 recognized state or national association, institute, or
14 accredited college or university, or the California Debt
15 and Investment Advisory Commission, that provides the
16 requisite educational programs prescribed in this section.
17 The willful or negligent failure of any elected county
18 treasurer, county tax collector, or county treasurer-tax
19 collector to comply with the requirements of this section
20 shall be deemed a violation of this section.

21 SEC. 7. Section 27000.9 of the Government Code is
22 amended to read:

23 27000.9. Notwithstanding any other requirement of
24 law, any duly appointed county officer serving in the
25 capacity of county treasurer, county tax collector, or
26 county treasurer-tax collector shall, beginning in 2000,
27 complete a valid continuing course of study as prescribed
28 in this section, and shall, on or before June 30 of each
29 two-year period, render to the State Controller, a
30 certification indicating that the county officer has
31 successfully completed a continuing education program
32 consisting of, at a minimum, 24 hours or an equivalent
33 amount of continuing education units within the
34 discipline of treasury management, public finance, public
35 administration, governmental accounting, or directly
36 related subjects, offered by a recognized state or national
37 association, institute, or accredited college or university,
38 or the California Debt and Investment Advisory
39 Commission, that provides the requisite educational
40 programs prescribed in this section. The willful or



1 negligent failure of any county officer serving in the
2 capacity of county treasurer, county tax collector, or
3 county treasurer-tax collector to comply with the
4 requirements of this section shall be deemed a violation
5 of this section.

6 SEC. 8. Section 27063 of the Government Code is
7 amended to read:

8 27063. Not later than the 25th day of each month, the
9 treasurer, or, if the auditor has a written agreement with
10 the treasurer, the auditor, shall file with the board of
11 supervisors a detailed report of all money received and
12 disbursed by him or her during the preceding report
13 period which shall be no less frequent than monthly, so
14 that the receipts into the treasury and the amounts of
15 disbursements for the period will distinctly appear. The
16 report shall be filed and preserved by the clerk of the
17 board.

18 SEC. 9. Section 30063 of the Government Code is
19 amended to read:

20 30063. (a) The Supplemental Law Enforcement
21 Services Fund (SLESF) in each county or city is to be
22 expended exclusively as required by this chapter. Moneys
23 in that fund shall not be transferred to, or intermingled
24 with, the moneys in any other fund in the county or city
25 treasury, except that moneys may be transferred from the
26 SLESF to the county's or city's general fund to the extent
27 necessary to facilitate the appropriation and expenditure
28 of those transferred moneys in the manner required by
29 this chapter.

30 (b) Moneys in a SLESF may only be invested in safe
31 and conservative investments in accordance with those
32 standards of prudent investment applicable to the
33 investment of trust moneys. The treasurer of the county
34 and each city shall provide a monthly SLESF investment
35 report to either the police chief or the county sheriff and
36 district attorney, as applicable.

37 (c) Each year, on or before the date of the duly noticed
38 public hearing required pursuant to paragraph (1) of
39 subdivision (c) of Section 30061, the county auditor and
40 city treasurer shall detail and summarize allocations from



1 the county's or city's SLESF, as applicable, in a written,
2 public report filed with the Supplemental Law
3 Enforcement Oversight Committee (SLEOC), the
4 county board of supervisors or city council, as applicable,
5 for the entirety of the immediately preceding fiscal year,
6 and the county sheriff or police chief, as applicable.

7 (d) A summary of the annual reports required in
8 subdivision (c) shall be submitted in a standardized
9 format to be developed by the Controller, in conjunction
10 with the California District Attorney's Association,
11 California Police Chief's Association, California State
12 Sheriff's Association, California Peace Officer's
13 Association, California County Auditor's Association, and
14 California Municipal Treasurer's Association, by each
15 SLEOC to the Controller on or before October 15, 1998,
16 and each year thereafter. Upon request, the Controller
17 shall make a copy of the summarized reports available to
18 the Governor and the Legislature.

19 SEC. 10. Section 37361 of the Government Code is
20 amended to read:

21 37361. (a) The legislative body may acquire property
22 for the preservation or development of a historical
23 landmark. The legislative body may also acquire property
24 for development for recreational purposes and for
25 development of facilities in connection therewith.

26 (b) The legislative body may provide for places,
27 buildings, structures, works of art, and other objects,
28 having a special character or special historical or aesthetic
29 interest or value, special conditions or regulations for
30 their protection, enhancement, perpetuation or use,
31 which may include appropriate and reasonable control of
32 the use or appearance of neighboring private property
33 within public view, or both.

34 (c) Until January 1, 1995, subdivision (b) shall not
35 apply to noncommercial property owned by a religiously
36 affiliated association or corporation not organized for
37 private profit, whether incorporated as a religious or
38 public benefit corporation, unless the owner of the
39 property does not object to its application. This
40 subdivision does apply to a charter city. Nothing in this



1 subdivision shall be construed to infringe on the authority
2 of the legislative body to enforce special conditions and
3 regulations on any property designated prior to January
4 1, 1994. Subdivision (b) shall not apply to noncommercial
5 property owned by any association or corporation that is
6 religiously affiliated and not organized for private profit,
7 whether the corporation is organized as a religious
8 corporation, or as a public benefit corporation, provided
9 that both of the following occur:

10 (1) The association or corporation objects to the
11 application of the subdivision to its property.

12 (2) The association or corporation determines in a
13 public forum that it will suffer substantial hardship, which
14 is likely to deprive the association or corporation of
15 economic return on its property, the reasonable use of its
16 property, or the appropriate use of its property in the
17 furtherance of its religious mission, if the application is
18 approved.

19 (d) Nothing in this subdivision shall be construed to
20 infringe on the authority of any legislative body to
21 enforce special conditions and regulations on any
22 property designated prior to January 1, 1994, or to
23 authorize any legislative body to override the
24 determination made pursuant to paragraph (2) of
25 subdivision (c). This subdivision shall apply to a charter
26 city.

27 SEC. 12. Section 56332 of the Government Code is
28 amended to read:

29 56332. (a) The commission of any county shall be
30 enlarged by two members if, pursuant to Chapter 5
31 (commencing with Section 56450), the commission of any
32 county does both of the following:

33 (1) Orders representation of special districts upon the
34 commission.

35 (2) Adopts regulations affecting the functions and
36 services of special districts.

37 In addition to the commission members selected
38 pursuant to Sections 56325, 56329, and 56330, two
39 commission members shall be selected by an



1 independent special district selection committee to
2 represent special districts in the county.

3 (b) The independent special district selection
4 committee shall consist of the presiding officer of the
5 legislative body of each independent special district.
6 However, if the presiding officer of an independent
7 special district is unable to attend a meeting of the
8 independent special district selection committee, the
9 legislative body of the district may appoint one of its
10 members to attend the meeting of the selection
11 committee in the presiding officer's place. Those districts
12 shall include districts located wholly within the county
13 and those containing territory within the county
14 representing 50 percent or more of the assessed value of
15 taxable property of the district, as shown on the last
16 equalized county assessment roll. Each member of the
17 committee shall be entitled to one vote for each
18 independent special district of which he or she is the
19 presiding officer. Members representing a majority of the
20 eligible districts shall constitute a quorum.

21 (c) The executive officer shall call and give written
22 notice of all meetings of the members of the selection
23 committee. A meeting shall be called and held under
24 either of the following circumstances:

25 (1) Whenever a vacancy exists among the members or
26 alternate members representing independent special
27 districts upon the commission.

28 (2) Upon receipt of a written request by one or more
29 members of the selection committee representing
30 districts having 10 percent or more of the assessed value
31 of taxable property within the county, as shown on the last
32 equalized county assessment roll.

33 (d) (1) If the executive officer determines that a
34 meeting of the special district selection committee, for
35 the purpose of selecting the special district
36 representatives or for filling a vacancy, is not feasible, the
37 executive officer may conduct the business of the
38 committee in writing, as provided in this subdivision. The
39 executive officer may call for nominations to be
40 submitted in writing within 30 days. At the end of the



1 nominating period, the executive officer shall prepare
2 and deliver, or send by certified mail, to each
3 independent special district one ballot and voting
4 instructions.

5 (2) As an alternative to the delivery or certified mail,
6 the executive officer, with the prior concurrence of the
7 district, may transmit the ballot and voting instructions
8 by electronic mail, provided that the executive officer
9 shall retain written evidence of the receipt of that
10 material.

11 (3) The ballot shall include the names of all nominees
12 and the office for which each was nominated. The
13 districts shall return the ballots to the executive officer by
14 the date specified in the voting instructions, which date
15 shall be at least 30 days from the date on which the
16 executive officer mailed the ballots to the districts.

17 (4) If the executive officer has transmitted the ballot
18 and voting instructions by electronic mail, the districts
19 may return the ballots to the executive officer by
20 electronic mail, provided that the executive officer
21 retains written evidence of the receipt of the ballot.

22 (5) Any ballot received by the executive officer after
23 the specified date is invalid. The executive officer shall
24 announce the results of the election within seven days of
25 the specified date.

26 (e) The selection committee shall appoint two regular
27 members and one alternate member to the commission.
28 The members so appointed shall be elected or appointed
29 special district officers residing within the county but
30 shall not be members of the legislative body of a city or
31 county. If one of the regular district members is absent
32 from a commission meeting or disqualifies himself or
33 herself from participating in a meeting, the alternate
34 district member may serve and vote in place of the
35 regular district member for that meeting. The
36 representation by a regular district member who is a
37 special district officer shall not disqualify, or be cause for
38 disqualification of, the member from acting on a proposal
39 affecting the special district. The special district selection
40 committee may, at the time it appoints a member or



1 alternate, provide that the member or alternate is
2 disqualified from voting on proposals affecting the
3 district of which the member is a representative.

4 (f) If the office of a regular district member becomes
5 vacant, the alternate member may serve and vote in
6 place of the former regular district member until the
7 appointment and qualification of a regular district
8 member to fill the vacancy.

9 SEC. 13. Section 56853 of the Government Code is
10 amended to read:

11 56853. The executive officer shall mail a copy of the
12 resolution adopted by the commission making
13 determinations addressed to each of the following
14 persons or entities:

15 (a) The chief petitioners, if any, where the
16 proceedings for change of organization were initiated by
17 petition.

18 (b) Each affected local agency whose boundaries
19 would be changed by the proposal.

20 (c) The conducting authority, by certified mail, return
21 receipt requested. The copy of the resolution mailed to
22 the conducting authority shall be certified as a true and
23 correct copy by the executive officer. As an alternative to
24 mailing the resolution by certified mail, the executive
25 officer, with the prior concurrence of the conducting
26 authority, may transmit the resolution by electronic mail,
27 provided that the executive officer shall retain written
28 evidence of the receipt of that resolution.

29 SEC. 14. Section 56857 of the Government Code is
30 amended to read:

31 56857. (a) Any person or affected agency may file a
32 written request with the executive officer requesting
33 amendments to or reconsideration of any resolution
34 adopted by the commission making determinations. The
35 request shall state the specific modification to the
36 resolution being requested.

37 (b) Notwithstanding Section 56106, the deadlines set
38 by this section are mandatory. The person or agency shall
39 file the written request within 30 days of the adoption of
40 the initial or superseding resolution by the commission



1 making determinations or prior to the adoption of a
2 resolution by the conducting authority pursuant to
3 Chapter 4 (commencing with Section 57075), whichever
4 is earlier. If no person or agency files a timely request, the
5 commission shall not take any action pursuant to this
6 section.

7 (c) Upon receipt of a timely request, the executive
8 officer shall immediately notify the conducting authority
9 which shall not take any further action until the
10 commission acts on the request.

11 (d) Upon receipt of a timely request by the executive
12 officer, the time to file any action, including, but not
13 limited to, an action pursuant to Section 21167 of the
14 Public Resources Code and any provisions of Part 4
15 (commencing with Section 57000) governing the time
16 within which the conducting authority is to act shall be
17 tolled for the time that the commission takes to act on the
18 request.

19 (e) The executive officer shall place the request on the
20 agenda of the next meeting of the commission for which
21 notice can be given pursuant to this subdivision. The
22 executive officer shall give notice of the consideration of
23 the request by the commission in the same manner as for
24 the original proposal. The executive officer may give
25 notice in any other manner as he or she deems necessary
26 or desirable.

27 (f) At that meeting, the commission shall consider the
28 request and receive any oral or written testimony. The
29 consideration may be continued from time to time but
30 not to exceed 70 days from the date specified in the
31 notice. The person or agency which filed the request may
32 withdraw it at any time prior to the conclusion of the
33 consideration by the commission.

34 (g) At the conclusion of its consideration, the
35 commission may approve or disapprove with or without
36 amendment, wholly, partially, or conditionally, the
37 request. If the commission disapproves the request, it
38 shall not adopt a new resolution making determinations,
39 but shall direct the executive officer to notify the
40 conducting authority of its action. If the commission



1 approves the request, with or without amendment,
2 wholly, partially, or conditionally, the commission shall
3 adopt a resolution making determinations which shall
4 supersede the resolution previously issued.

5 (h) The determinations of the commission shall be
6 final and conclusive. No person or agency shall make any
7 further request for the same change or a substantially
8 similar change, as determined by the commission.

9 (i) Notwithstanding subdivision (h), clerical errors or
10 mistakes may be corrected pursuant to Section 56854.

11 SEC. 15. Section 61107 of the Government Code is
12 amended to read:

13 61107. Once the chief petitioners have filed a
14 sufficient petition or a legislative body has filed a
15 resolution of application, the local agency formation
16 commission shall proceed pursuant to Chapter 5
17 (commencing with Section 56825) of Part 3 of Division 3
18 of Title 5.

19 SEC. 16. Section 65307 of the Government Code is
20 amended to read:

21 65307. On or before October 1 of each year, the
22 planning agency of each city or county shall comply with
23 the provisions of Section 65400.

24 SEC. 17. Section 65850 of the Government Code is
25 amended to read:

26 65850. The legislative body of any county or city may,
27 pursuant to this chapter, adopt ordinances that do any of
28 the following:

29 (a) Regulate the use of buildings, structures, and land
30 as between industry, business, residences, open space,
31 including agriculture, recreation, enjoyment of scenic
32 beauty, use of natural resources, and other purposes.

33 (b) Regulate signs and billboards.

34 (c) Regulate all of the following:

35 (1) The location, height, bulk, number of stories, and
36 size of buildings and structures.

37 (2) The size and use of lots, yards, courts, and other
38 open spaces.

39 (3) The percentage of a lot which may be occupied by
40 a building or structure.



1 (4) The intensity of land use.
2 (d) Establish requirements for offstreet parking and
3 loading.

4 (e) Establish and maintain building setback lines.

5 (f) Create civic districts around civic centers, public
6 parks, public buildings, or public grounds, and establish
7 regulations for those civic districts.

8 SEC. 18. Section 65850.4 of the Government Code is
9 amended to read:

10 65850.4. (a) The legislative body of any county or city
11 may regulate, pursuant to a content neutral ordinance,
12 the time, place, and manner of operation of sexually
13 oriented businesses, when the ordinance is designed to
14 serve a substantial governmental interest, does not
15 unreasonably limit alternative avenues of
16 communication, and is based on narrow, objective, and
17 definite standards. The legislative body is entitled to rely
18 on the experiences of other counties and cities and on the
19 findings of court cases in establishing the reasonableness
20 of the ordinance and its relevance to the specific
21 problems it addresses, including the harmful secondary
22 effects that the business may have on the community and
23 its proximity to churches, schools, residences,
24 establishments dispensing alcohol, and other sexually
25 oriented businesses.

26 (b) For purposes of this section, a sexually oriented
27 business is one whose primary purpose is the sale or
28 display of matter that, because of its sexually explicit
29 nature, may, pursuant to state law or local regulatory
30 authority, be offered only to persons over the age of 18
31 years.

32 (c) This section shall not be construed to preempt the
33 legislative body of any city or county from regulating a
34 sexually oriented business or similar establishment in the
35 manner and to the extent permitted by the United States
36 Constitution and the California Constitution.

37 (d) It is the intent of the Legislature to authorize the
38 legislative body of any city or county to enter into a legally
39 sanctioned and appropriate cooperative agreement,
40 consortium, or joint powers authority with other adjacent



1 cities or counties regarding regulation of established
2 negative secondary effects of adult or sexually oriented
3 businesses if the actions taken by the legislative body are
4 consistent with this section.

5 (e) The Legislature finds and declares that in order to
6 encourage the legislative body of a city or county in
7 regulating adult or sexually oriented businesses or similar
8 businesses under this section, the legislative body may
9 consider any harmful secondary effects such a business
10 may have on adjacent cities and counties and its
11 proximity to churches, schools, residents, and other
12 businesses located in adjacent cities or counties.

13 SEC. 19. Section 65956 of the Government Code is
14 amended to read:

15 65956. (a) If any provision of law requires the lead
16 agency or responsible agency to provide public notice of
17 the development project or to hold a public hearing, or
18 both, on the development project and the agency has not
19 provided the public notice or held the hearing, or both,
20 at least 60 days prior to the expiration of the time limits
21 established by Sections 65950 and 65952, the applicant or
22 his or her representative may file an action pursuant to
23 Section 1085 of the Code of Civil Procedure to compel the
24 agency to provide the public notice or hold the hearing,
25 or both, and the court shall give the proceedings
26 preference over all other civil actions or proceedings,
27 except older matters of the same character.

28 (b) In the event that a lead agency or a responsible
29 agency fails to act to approve or to disapprove a
30 development project within the time limits required by
31 this article, the failure to act shall be deemed approval of
32 the permit application for the development project.
33 However, the permit shall be deemed approved only if
34 the public notice required by law has occurred. If the
35 applicant has provided seven days advance notice to the
36 permitting agency of the intent to provide public notice,
37 then no earlier than 60 days from the expiration of the
38 time limits established by Sections 65950 and 65952, an
39 applicant may provide the required public notice using
40 the distribution information provided pursuant to



1 Section 65941.5. If the applicant chooses to provide public
2 notice, that notice shall include a description of the
3 proposed development substantially similar to the
4 descriptions which are commonly used in public notices
5 by the permitting agency, the location of the proposed
6 development, the permit application number, the name
7 and address of the permitting agency, and a statement
8 that the project shall be deemed approved if the
9 permitting agency has not acted within 60 days. If the
10 applicant has provided the public notice required by this
11 section, the time limit for action by the permitting agency
12 shall be extended to 60 days after the public notice is
13 provided. If the applicant provides notice pursuant to this
14 section, the permitting agency shall refund to the
15 applicant any fees which were collected for providing
16 notice and which were not used for that purpose.

17 (c) Failure of an applicant to submit complete or
18 adequate information pursuant to Sections 65943 to 65944,
19 inclusive, may constitute grounds for disapproving a
20 development project.

21 (d) Nothing in this section shall diminish the
22 permitting agency's legal responsibility to provide,
23 where applicable, public notice and hearing before
24 acting on a permit application.

25 SEC. 20. Section 66451.2 of the Government Code is
26 amended to read:

27 66451.2. The local agency may establish reasonable
28 fees for the processing of tentative, final and parcel maps
29 and for other procedures required or authorized by this
30 division or local ordinance, but the fees shall not exceed
31 the amount reasonably required by such agency to
32 administer the provisions of this division. The fees shall be
33 imposed pursuant to the Mitigation Fee Act, consisting of
34 Chapter 5 (commencing with Section 66000), Chapter 6
35 (commencing with Section 66010), Chapter 7
36 (commencing with Section 66012), Chapter 8
37 (commencing with Section 66016), and Chapter 9
38 (commencing with Section 66020) of Division 1.

39 SEC. 21. Section 66458 of the Government Code is
40 amended to read:



1 66458. (a) The legislative body shall, at the meeting
2 at which it receives the map or, at its next regular meeting
3 after the meeting at which it receives the map, approve
4 the map if it conforms to all the requirements of this
5 chapter and any local subdivision ordinance applicable at
6 the time of approval or conditional approval of the
7 tentative map and any rulings made thereunder. If the
8 map does not conform, the legislative body shall
9 disapprove the map.

10 (b) If the legislative body does not approve or
11 disapprove the map within the prescribed time, or any
12 authorized extension thereof, and the map conforms to all
13 requirements and rulings, it shall be deemed approved,
14 and the clerk of the legislative body shall certify or state
15 its approval thereon.

16 (c) The meeting at which the legislative body receives
17 the map shall be the date on which the clerk of the
18 legislative body receives the map.

19 (d) The legislative body may provide, by ordinance,
20 for the approval or disapproval of final maps by the city
21 or county engineer, surveyor, or other designated official.
22 The legislative body may also provide, by ordinance, that
23 the official may accept, accept subject to improvement,
24 or reject dedications and offers of dedications that are
25 made by a statement on the map. Any ordinance adopted
26 pursuant to this subdivision shall provide that (1) the
27 designated official shall notify the legislative body at its
28 next regular meeting after the official receives the map
29 that the official is reviewing the map for final approval,
30 (2) the designated official shall approve or disapprove the
31 final map within 10 days following the meeting of the
32 legislative body that was preceded by the notice in (4)
33 below, (3) the designated official's action may be
34 appealed to the legislative body, (4) the clerk of the
35 legislative body shall provide notice of any pending
36 approval or disapproval by a designated official, which
37 notice shall be attached and posted with the legislative
38 body's regular agenda and shall be mailed to interested
39 parties who request notice, and (5) the legislative body
40 shall periodically review the delegation of authority to



1 the designated official. Except as specifically authorized
2 by this subdivision, the processing of final maps shall
3 conform to all procedural requirements of this division.

4 SEC. 22. Section 66498.1 of the Government Code is
5 amended to read:

6 66498.1. (a) Whenever a provision of this division
7 requires that a tentative map be filed, a vesting tentative
8 map may instead be filed.

9 (b) When a local agency approves or conditionally
10 approves a vesting tentative map, that approval shall
11 confer a vested right to proceed with development in
12 substantial compliance with the ordinances, policies, and
13 standards described in Section 66474.2. However, if
14 Section 66474.2 is repealed, that approval shall confer a
15 vested right to proceed with development in substantial
16 compliance with the ordinances, policies, and standards
17 in effect at the time the vesting tentative map is approved
18 or conditionally approved.

19 (c) Notwithstanding subdivision (b), the local agency
20 may condition or deny a permit, approval, extension, or
21 entitlement if it determines any of the following:

22 (1) A failure to do so would place the residents of the
23 subdivision or the immediate community, or both, in a
24 condition dangerous to their health or safety, or both.

25 (2) The condition or denial is required in order to
26 comply with state or federal law.

27 (d) The rights conferred by this section shall expire if
28 a final map is not approved prior to the expiration of the
29 vesting tentative map. If the final map is approved, the
30 rights conferred by this section shall be subject to the
31 periods of time set forth in subdivisions (b), (c), and (d)
32 of Section 66498.5.

33 (e) Consistent with subdivision (b), an approved or
34 conditionally approved vesting tentative map shall not
35 limit a local agency from imposing reasonable conditions
36 on subsequent required approvals or permits necessary
37 for the development and authorized by the ordinances,
38 policies, and standards described in subdivision (b).

39 SEC. 23. Section 66498.2 of the Government Code is
40 amended to read:



1 66498.2. If the ordinances, policies, or standards
2 described in subdivision (b) of Section 66498.1 are
3 changed subsequent to the approval or conditional
4 approval of a vesting tentative map, the subdivider, or his
5 or her assignee, at any time prior to the expiration of the
6 vesting tentative map pursuant to subdivisions (b), (c),
7 and (d) of Section 66498.5, may apply for an amendment
8 to the vesting tentative map to secure a vested right to
9 proceed with the changed ordinances, policies, or
10 standards. An application shall clearly specify the
11 changed ordinances, policies, or standards for which the
12 amendment is sought.

13 SEC. 24. Section 66498.3 of the Government Code is
14 amended to read:

15 66498.3. (a) Whenever a subdivider files a vesting
16 tentative map for a subdivision whose intended
17 development is inconsistent with the zoning ordinance in
18 existence at that time, that inconsistency shall be noted
19 on the map. The local agency may deny a vesting
20 tentative map or approve it conditioned on the
21 subdivider, or his or her designee, obtaining the necessary
22 change in the zoning ordinance to eliminate the
23 inconsistency. If the change in the zoning ordinance is
24 obtained, the approved or conditionally approved vesting
25 tentative map shall, notwithstanding subdivision (b) of
26 Section 66498.1, confer the vested right to proceed with
27 the development in substantial compliance with the
28 change in the zoning ordinance and the map, as
29 approved.

30 (b) The rights conferred by this section shall be for the
31 time periods set forth in subdivisions (b), (c), and (d) of
32 Section 66498.5.

33 SEC. 25. Section 77202.5 of the Government Code is
34 repealed.

35 SEC. 26. Section 4730.6 of the Health and Safety Code
36 is amended to read:

37 4730.6. (a) Notwithstanding Sections 4730, 4730.1,
38 and 4730.2 or any other provision of law, the governing
39 board of the Ventura Regional Sanitation District shall be
40 a board of directors appointed in accordance with this



1 section. Unless the context otherwise indicates, as used in
2 this section, “district” means the Ventura Regional
3 Sanitation District.

4 (b) The legislative body of each city located wholly or
5 partially within the district’s boundaries shall designate
6 one of its members to be a member of the district’s board
7 of directors. Each legislative body may designate one of
8 its members as an alternate to act in the place of its
9 regular member in the case of the absence or
10 disqualification of the regular member. An alternate
11 member shall have the full voting rights of the regular
12 member.

13 (c) The special district committee, which shall consist
14 of the presiding officers of all special districts that have a
15 governing board separately elected, in whole or in part,
16 from any board of supervisors or city council, and would
17 be entitled to representation on the Ventura Regional
18 Sanitation District Board of Directors under Section
19 4730.1, if that section were applicable to the Ventura
20 Regional Sanitation District, shall designate one
21 separately elected member of a board of directors of a
22 special district represented on the committee to be a
23 member of the district’s board of directors. The special
24 district committee may designate one separately elected
25 member as an alternate to act in the place of the regular
26 member in the case of the absence or disqualification of
27 the regular member. An alternate member shall have the
28 full voting rights of the regular member.

29 (d) Each member of the district’s board of directors
30 shall have one vote.

31 (e) No action shall be taken at any meeting of the
32 district’s board of directors unless a majority of all
33 authorized members of the board of directors is in
34 attendance.

35 (f) A majority of the members of the board of directors
36 present shall be required to approve or otherwise act on
37 any matter except as otherwise required by law.

38 *SEC. 26.5. Section 13114.2 of the Health and Safety*
39 *Code is amended to read:*



1 13114.2. (a) On or before ~~September 1, 1999~~ *January*
2 *1, 2000*, the State Fire Marshal shall adopt regulations and
3 standards to control the quality and installation of burglar
4 bars and safety release mechanisms *for emergency*
5 *escape/rescue windows or doors* installed, marketed,
6 distributed, offered for sale, or sold in this state.

7 (b) On and after ~~October 1, 1999~~ *July 1, 2000*, no
8 person shall install, market, distribute, offer for sale, or
9 sell burglar bars and safety release mechanisms *for*
10 *emergency escape/rescue windows or doors* in this state
11 unless the burglar bars and safety release mechanisms
12 have been approved by a testing laboratory recognized
13 by the State Fire Marshal.

14 (c) As used in this section:

15 (1) “Burglar bars” means security bars located on the
16 inside or outside of a door or window of a residential
17 dwelling.

18 (2) “Residential dwelling” means a house, apartment,
19 motel, hotel, or other type of residential dwelling subject
20 to the State Housing Law (Part 1.5 (commencing with
21 Section 17910) of Division 13) and a manufactured home,
22 mobilehome, and multiunit manufactured housing as
23 defined in the Mobilehomes-Manufactured Housing Act
24 of 1980 (Part 2 (commencing with Section 18000) of
25 Division 13).

26 (3) “*Emergency escape/rescue windows or doors*”
27 *means the exits required by Section 1-310.4 of the 1998*
28 *Edition of the California Building Standards Code, or its*
29 *successor.*

30 SEC. 27. Section 13890 of the Health and Safety Code
31 is amended to read:

32 13890. On or before June 30 of each year, a district
33 board shall adopt a preliminary budget which shall
34 conform to the accounting and budgeting procedures for
35 special districts contained in Subchapter 3 (commencing
36 with Section 1031.1) of, and Article 1 (commencing with
37 Section 1121) of Subchapter 4 of, Chapter 2 of Division 2
38 of Title 2 of the California Code of Regulations.

39 SEC. 28. Section 98.02 of the Revenue and Taxation
40 Code is amended to read:



1 98.02. (a) In the County of Ventura, the
2 computations made pursuant to Section 96.1 or its
3 predecessor section, for the 1989–90 fiscal year and each
4 year thereafter, shall be modified as follows:

5 With respect to tax rate areas, except excluded tax rate
6 areas, within the boundaries of a qualifying city, there
7 shall be excluded from the aggregate amount of
8 “property tax revenue allocated pursuant to this chapter
9 to local agencies, other than for a qualifying city, in the
10 prior fiscal year,” an amount equal to the sum of the
11 amounts calculated pursuant to the TEA formula.

12 (b) (1) Each qualifying city shall, for the 1989–90
13 fiscal year and each fiscal year thereafter, be allocated by
14 the auditor an amount determined pursuant to the TEA
15 formula.

16 (2) For each qualifying city, the auditor shall, for the
17 1989–90 fiscal year and each year thereafter, distribute
18 the amount determined pursuant to the TEA formula to
19 all tax rate areas, except excluded tax rate areas, within
20 that city in proportion to each tax rate area’s share of the
21 total assessed value in the city for the applicable fiscal
22 year, and the amount so determined shall be subtracted
23 from the county’s proportionate share of the property tax
24 revenue for that fiscal year within those tax rate areas.

25 (3) After making the allocations pursuant to
26 paragraphs (1) and (2), but before making the
27 calculations pursuant to Section 96.5 or its predecessor
28 section, the auditor shall, for all tax rate areas, except
29 excluded tax rate areas, in the qualifying city, calculate
30 the proportionate share of property tax revenue allocated
31 pursuant to this section and Section 96.1, or their
32 predecessor sections, in the 1989–90 fiscal year and each
33 fiscal year thereafter to each jurisdiction in the tax rate
34 area.

35 (4) In lieu of making the allocations of annual tax
36 increment pursuant to subdivision (e) of Section 96.5 or
37 its predecessor section, the auditor shall for the 1989–90
38 fiscal year and each fiscal year thereafter, allocate the
39 amount of property tax revenue determined pursuant to
40 subdivision (d) of Section 98 to jurisdictions in the tax rate



1 area, except an excluded tax rate area, using the
2 proportionate shares derived pursuant to paragraph (3).

3 (5) For purposes of the calculations made pursuant to
4 Section 96.1 or its predecessor section, in the 1990–91
5 fiscal year and each fiscal year thereafter, the amounts
6 that would have been allocated to all tax rate areas, except
7 excluded tax rate areas, of qualifying cities pursuant to
8 this subdivision shall be deemed to be the “amount of
9 property tax revenue allocated to those tax rate areas in
10 the prior fiscal year.”

11 (c) “TEA formula” means the Tax Equity Allocation
12 formula, and shall be calculated by the auditor for each
13 qualifying city as follows:

14 (1) For the 1988–89 fiscal year and each fiscal year
15 thereafter, the auditor shall determine the total amount
16 of property tax revenue to be allocated to all jurisdictions
17 in all tax rate areas, except excluded tax rate areas, within
18 the qualifying city, before the allocation and payment of
19 funds in that fiscal year to a community redevelopment
20 agency within the qualifying city, as provided in
21 subdivision (b) of Section 33670 of the Health and Safety
22 Code.

23 (2) The auditor shall determine the amount of funds
24 allocated in each fiscal year to those tax rate areas, except
25 excluded tax rate areas, within a community
26 redevelopment agency in accordance with subdivision
27 (b) of Section 33670 of the Health and Safety Code.

28 (3) (A) The auditor shall determine the total amount
29 of funds paid in each fiscal year by a community
30 redevelopment agency within the city to jurisdictions
31 other than the city pursuant to subdivision (b) of Section
32 33401 and Section 33676 of the Health and Safety Code,
33 and the cost to the redevelopment agency of any land or
34 facilities transferred and any amounts paid to
35 jurisdictions other than the city to assist in the
36 construction or reconstruction of facilities pursuant to an
37 agreement entered into under Section 33401 or 33445.5 of
38 the Health and Safety Code.

39 (B) Of the total amount determined in subparagraph
40 (A), the auditor shall compute a proportionate amount to



1 be attributed to all tax rate areas, except excluded tax rate
2 areas, within the community redevelopment agency.
3 That proportionate amount shall be equal to that
4 proportion which the amount determined in paragraph
5 (2) in each fiscal year bears to the total amount of funds
6 allocated in each fiscal year to a community
7 redevelopment agency in accordance with subdivision
8 (b) of Section 33670 of the Health and Safety Code.

9 (4) The auditor shall subtract the amount determined
10 in subparagraph (B) of paragraph (3) from the amount
11 determined in paragraph (2).

12 (5) The auditor shall subtract the amount determined
13 in paragraph (4) from the amount determined in
14 paragraph (1).

15 (6) The amount computed in paragraph (5) shall be
16 multiplied by the following percentages in order to
17 determine the TEA formula amount to be distributed to
18 the qualifying city in each fiscal year:

19 (A) For the first fiscal year in which the qualifying city
20 receives a distribution pursuant to this section, 1 percent
21 of the amount determined in paragraph (5).

22 (B) For the second fiscal year in which the qualifying
23 city receives a distribution pursuant to this section, 2
24 percent of the amount determined in paragraph (5).

25 (C) For the third fiscal year in which the qualifying
26 city receives a distribution pursuant to this section, 3
27 percent of the amount determined in paragraph (5).

28 (D) For the fourth fiscal year and each fiscal year
29 thereafter in which the qualifying city receives a
30 distribution pursuant to this section, 4 percent of the
31 amount determined in paragraph (5).

32 (d) For purposes of this section, “excluded tax rate
33 area” means either of the following:

34 (1) Any tax rate area included in territory annexed by
35 the qualifying city and allocated a prescribed percentage
36 of property tax revenue pursuant to an existing
37 agreement between the qualifying city and the county.

38 (2) Any tax rate area described in paragraph (1) that
39 was detached from the county library district and that is
40 also allocated an additional prescribed percentage of



1 property tax revenue pursuant to an existing agreement
2 between the qualifying city and the county.

3 (e) (1) All existing agreements between the
4 qualifying city and the county covering the allocation of
5 property tax revenues to tax rate areas described in
6 subdivision (d) shall remain in force.

7 (2) All existing agreements between the qualifying
8 city and the county covering the allocation of property
9 tax revenues to tax rate areas that were detached from
10 the county library district but are not included in
11 territory that was annexed by the qualifying city shall
12 remain in force.

13 (3) All allocations to those tax rate areas described in
14 subdivision (d), including allocations of annual tax
15 increments, made pursuant to the existing agreements
16 between the qualifying city and the county shall be
17 governed by subdivision (a) of Section 96.1 and Section
18 96.5.

19 (4) All allocations to those tax rate areas described in
20 paragraph (2), including allocations of annual tax
21 increments, made pursuant to the existing agreements
22 between the qualifying city and the county shall be
23 governed by subdivision (a) of Section 96.1 and Section
24 96.5. However, the tax rate areas referred to in this
25 paragraph shall also be distributed an amount of property
26 tax revenue determined pursuant to the TEA formula
27 that is over and above the amount allocated as provided
28 in the preceding sentence.

29 (f) “Qualifying city” means any city that incorporated
30 prior to June 5, 1987, and had an amount of property tax
31 revenue allocated to it pursuant to subdivision (a) of
32 Section 96.1 or its predecessor section in the 1988–89 fiscal
33 year that is less than 4 percent of the amount of property
34 tax revenue computed as follows:

35 (1) The auditor shall determine the total amount of
36 property tax revenue allocated to all tax rate areas, except
37 excluded tax rate areas, in the city in the 1988–89 fiscal
38 year.

39 (2) The auditor shall subtract the amount in the
40 1988–89 fiscal year determined in paragraph (3) of



1 subdivision (c) from the amount determined in
2 paragraph (2) of subdivision (c).

3 (3) The auditor shall subtract the amount determined
4 in paragraph (2) from the amount of property tax
5 revenue in paragraph (1) of subdivision (c).

6 (4) The auditor shall divide the amount of property tax
7 revenue determined in paragraph (1) of this subdivision
8 by the amount of property tax revenue determined in
9 paragraph (3) of this subdivision.

10 (5) If the quotient determined in paragraph (4) of this
11 subdivision is less than 0.04, the city is a qualifying city. If
12 the quotient determined in that paragraph is equal to or
13 greater than 0.04, the city is not a qualifying city.

14 (g) The auditor may assess each qualifying city its
15 proportional share of the actual costs of making the
16 calculations required by this section, and may deduct that
17 assessment from the amount allocated pursuant to
18 subdivision (b). For purposes of this subdivision, a
19 qualifying city's proportional share of the auditor's actual
20 costs shall not exceed the proportion it receives of the
21 total amounts excluded in the county pursuant to
22 subdivision (a).

23 (h) (1) Notwithstanding subdivision (b), except as
24 otherwise provided in paragraph (2), in any fiscal year in
25 which a qualifying city receives a distribution pursuant to
26 this section, the auditor shall reduce the actual amount
27 distributed to the qualifying city by the amount of
28 revenue not collected by the qualifying city in the first
29 fiscal year following the city's reduction after January 1,
30 1988, of the tax rate or tax base of any locally imposed
31 general or special tax. The amount so computed by the
32 auditor shall constitute a reduction in the amount of
33 property tax revenue distributed to the qualifying city
34 pursuant to this section in each succeeding fiscal year.
35 That amount shall be aggregated with any additional
36 amount computed pursuant to this paragraph as the
37 result of the city's reduction in any subsequent year of the
38 tax rate or tax base of the same or any other locally
39 imposed general or special tax.



1 (2) No reduction shall be made pursuant to paragraph
2 (1) in the case in which a local tax is reduced or
3 eliminated as a result of either a court decision or the
4 approval or rejection of a ballot measure by the voters.

5 (i) If the auditor determines that the amount to be
6 distributed to a qualifying city pursuant to subdivision
7 (b), as modified by subdivisions (g) and (h), would result
8 in a qualifying city having proceeds of taxes in excess of
9 its appropriation limit, the auditor shall reduce the
10 amount, on a dollar-for-dollar basis, by the amount that
11 exceeds the city's appropriations limit.

12 (j) Commencing with the 1999-2000 fiscal year and
13 each fiscal year thereafter, the auditor shall compute an
14 amount that is equal to 60 percent of the total amount
15 transferred to all qualifying cities pursuant to this section.
16 The auditor shall certify that amount to the Controller for
17 allocation of funds to the county pursuant to subdivision
18 (a) of Section 11005.

19 (k) Notwithstanding any other provision of this
20 section, no qualifying city shall be distributed an amount
21 pursuant to this section that is less than the amount the
22 city would have been allocated without the application of
23 the TEA formula.

24 (l) Notwithstanding any other provision of this
25 section, commencing with the 1994-95 fiscal year, the
26 auditor shall not reduce the amount distributed to a
27 qualifying city under this section by reason of that city
28 becoming the successor agency to a special district that is
29 dissolved, merged with that city, or becomes a subsidiary
30 district of that city, on or after July 1, 1994.

31 (m) The amount not distributed as a result of this
32 section to the tax rate areas, except excluded tax rate
33 areas, in each qualifying city shall be allocated by the
34 auditor to the county.

35 SEC. 29. Section 99 of the Revenue and Taxation
36 Code is amended to read:

37 99. (a) For the purposes of the computations
38 required by this chapter:

39 (1) In the case of a jurisdictional change, other than a
40 city incorporation or a formation of a district as defined



1 in Section 2215, the auditor shall adjust the allocation of
2 property tax revenue determined pursuant to Section 96
3 or 96.1, or the annual tax increment determined pursuant
4 to Section 96.5, for local agencies whose service area or
5 service responsibility would be altered by the
6 jurisdictional change, as determined pursuant to
7 subdivision (b) or (c).

8 (2) In the case of a city incorporation, the auditor shall
9 assign the allocation of property tax revenues determined
10 pursuant to Section 56842 of the Government Code and
11 the adjustments in tax revenues that may occur pursuant
12 to Section 56845 of the Government Code to the newly
13 formed city or district and shall make the adjustment as
14 determined by Section 56842 in the allocation of property
15 tax revenue determined pursuant to Section 96 or 96.1 for
16 each local agency whose service area or service
17 responsibilities would be altered by the incorporation.

18 (3) In the case of a formation of a district as defined in
19 Section 2215, the auditor shall assign the allocation of
20 property tax revenues determined pursuant to Section
21 56842 of the Government Code to the district and shall
22 make the adjustment as determined by Section 56842 in
23 the allocation of property tax revenue determined
24 pursuant to Section 96 or 96.1 for each local agency whose
25 service area or service responsibilities would be altered
26 by the formation.

27 (b) Upon the filing of an application or a resolution
28 pursuant to the Cortese-Knox Local Government
29 Reorganization Act of 1985 (Division 3 (commencing
30 with Section 56000) of Title 5 of the Government Code),
31 but prior to the issuance of a certificate of filing, the
32 executive officer shall give notice of the filing to the
33 assessor and auditor of each county within which the
34 territory subject to the jurisdictional change is located.
35 This notice shall specify each local agency whose service
36 area or responsibility will be altered by the jurisdictional
37 change.

38 (1) (A) The county assessor shall provide to the
39 county auditor, within 30 days of the notice of filing, a
40 report which identifies the assessed valuations for the



1 territory subject to the jurisdictional change and the tax
2 rate area or areas in which the territory exists.

3 (B) The auditor shall estimate the amount of property
4 tax revenue generated within the territory that is the
5 subject of the jurisdictional change during the current
6 fiscal year.

7 (2) The auditor shall estimate what proportion of the
8 property tax revenue determined pursuant to paragraph
9 (1) is attributable to each local agency pursuant to
10 Section 96.1 and Section 96.5.

11 (3) Within 45 days of notice of the filing of an
12 application or resolution, the auditor shall notify the
13 governing body of each local agency whose service area
14 or service responsibility will be altered by the amount of,
15 and allocation factors with respect to, property tax
16 revenue estimated pursuant to paragraph (2) that is
17 subject to a negotiated exchange.

18 (4) Upon receipt of the estimates pursuant to
19 paragraph (3) the local agencies shall commence
20 negotiations to determine the amount of property tax
21 revenues to be exchanged between and among the local
22 agencies. This negotiation period shall not exceed 60 days.

23 The exchange may be limited to an exchange of
24 property tax revenues from the annual tax increment
25 generated in the area subject to the jurisdictional change
26 and attributable to the local agencies whose service area
27 or service responsibilities will be altered by the proposed
28 jurisdictional change. The final exchange resolution shall
29 specify how the annual tax increment shall be allocated
30 in future years.

31 (5) In the event that a jurisdictional change would
32 affect the service area or service responsibility of one or
33 more special districts, the board of supervisors of the
34 county or counties in which the districts are located shall,
35 on behalf of the district or districts, negotiate any
36 exchange of property tax revenues.

37 (6) Notwithstanding any other provision of law, the
38 executive officer shall not issue a certificate of filing
39 pursuant to Section 56828 of the Government Code until
40 the local agencies included in the property tax revenue



1 exchange negotiation, within the 60-day negotiation
2 period, present resolutions adopted by each such county
3 and city whereby each county and city agrees to accept
4 the exchange of property tax revenues.

5 (7) In the event that the commission modifies the
6 proposal or its resolution of determination, any local
7 agency whose service area or service responsibility would
8 be altered by the proposed jurisdictional change may
9 request, and the executive officer shall grant, 15 days for
10 the affected agencies, pursuant to paragraph (4) to
11 renegotiate an exchange of property tax revenues.
12 Notwithstanding the time period specified in paragraph
13 (4), if the resolutions required pursuant to paragraph (6)
14 are not presented to the executive officer within the
15 15-day period, all proceedings of the jurisdictional change
16 shall automatically be terminated.

17 (8) In the case of a jurisdictional change that consists
18 of a city's qualified annexation of unincorporated
19 territory, an exchange of property tax revenues between
20 the city and the county shall be determined in
21 accordance with subdivision (e) if that exchange of
22 revenues is not otherwise determined pursuant to either
23 of the following:

24 (A) Negotiations completed within the applicable
25 period or periods as prescribed by this subdivision.

26 (B) A master property tax exchange agreement
27 among those local agencies, as described in subdivision
28 (d).

29 For purposes of this paragraph, a qualified annexation
30 of unincorporated territory means an annexation, as so
31 described, for which proceedings before the relevant
32 local agency formation commission are initiated, as
33 provided in Section 56651 of the Government Code, on or
34 after January 1, 1998, and on or before January 1, 2005.

35 (9) No later than the date on which the certificate of
36 completion of the jurisdictional change is recorded with
37 the county recorder, the executive officer shall notify the
38 auditor or auditors of the exchange of property tax
39 revenues and the auditor or auditors shall make the
40 appropriate adjustments as provided in subdivision (a).



1 (c) Whenever a jurisdictional change is not required
2 to be reviewed and approved by a local agency formation
3 commission, the local agencies whose service area or
4 service responsibilities would be altered by the proposed
5 change, shall give notice to the State Board of
6 Equalization and the assessor and auditor of each county
7 within which the territory subject to the jurisdictional
8 change is located. This notice shall specify each local
9 agency whose service area or responsibility will be
10 altered by the jurisdictional change and request the
11 auditor and assessor to make the determinations required
12 pursuant to paragraphs (1) and (2) of subdivision (b).
13 Upon notification by the auditor of the amount of, and
14 allocation factors with respect to, property tax subject to
15 exchange, the local agencies, pursuant to the provisions
16 of paragraphs (4), (5), and (6) of subdivision (b), shall
17 determine the amount of property tax revenues to be
18 exchanged between and among the local agencies.
19 Notwithstanding any other provision of law, no such
20 jurisdictional change shall become effective until each
21 county and city included in these negotiations agrees, by
22 resolution, to accept the negotiated exchange of property
23 tax revenues. The exchange may be limited to an
24 exchange of property tax revenue from the annual tax
25 increment generated in the area subject to the
26 jurisdictional change and attributable to the local
27 agencies whose service area or service responsibilities
28 will be altered by the proposed jurisdictional change. The
29 final exchange resolution shall specify how the annual tax
30 increment shall be allocated in future years. Upon the
31 adoption of the resolutions required pursuant to this
32 section, the adopting agencies shall notify the auditor
33 who shall make the appropriate adjustments as provided
34 in subdivision (a). Adjustments in property tax
35 allocations made as the result of a city or library district
36 withdrawing from a county free library system pursuant
37 to Section 19116 of the Education Code shall be made
38 pursuant to Section 19116 of the Education Code, and this
39 subdivision shall not apply.



1 (d) With respect to adjustments in the allocation of
2 property taxes pursuant to this section, a county and any
3 local agency or agencies within the county may develop
4 and adopt a master property tax transfer agreement. The
5 agreement may be revised from time to time by the
6 parties subject to the agreement.

7 (e) (1) An exchange of property tax revenues that is
8 required by paragraph (8) of subdivision (b) to be
9 determined pursuant to this subdivision shall be
10 determined in accordance with all of the following:

11 (A) The city and the county shall mutually select a
12 third-party consultant to perform a comprehensive,
13 independent fiscal analysis, funded in equal portions by
14 the city and the county, that specifies estimates of all tax
15 revenues that will be derived from the annexed territory
16 and the costs of city and county services with respect to
17 the annexed territory. The analysis shall be completed
18 within a period not to exceed 30 days, and shall be based
19 upon the general plan or adopted plans and policies of the
20 annexing city and the intended uses for the annexed
21 territory. If, upon the completion of the analysis period,
22 no exchange of property tax revenues is agreed upon by
23 the city and the county, subparagraph (B) shall apply.

24 (B) The city and the county shall mutually select a
25 mediator, funded in equal portions by those agencies, to
26 perform mediation for a period of not to exceed 30 days.
27 If, upon the completion of the mediation period, no
28 exchange of property tax revenues is agreed upon by the
29 city and the county, subparagraph (C) shall apply.

30 (C) The city and the county shall mutually select an
31 arbitrator, funded in equal portions by those agencies, to
32 conduct an advisory arbitration with the city and the
33 county for a period of not to exceed 30 days. At the
34 conclusion of this arbitration period, the city and the
35 county shall each present to the arbitrator its last and best
36 offer with respect to the exchange of property tax
37 revenues. The arbitrator shall select one of the offers and
38 recommend that offer to the governing bodies of the city
39 and the county. If the governing body of the city or the
40 county rejects the recommended offer, it shall do so



1 during a public hearing, and shall, at the conclusion of
2 that hearing, make written findings of fact as to why the
3 recommended offer was not accepted.

4 (2) Proceedings under this subdivision shall be
5 concluded no more than 150 days after the auditor
6 provides the notification pursuant to paragraph (3) of
7 subdivision (b), unless one of the periods specified in this
8 subdivision is extended by the mutual agreement of the
9 city and the county. Notwithstanding any other provision
10 of law, except for those conditions that are necessary to
11 implement an exchange of property tax revenues
12 determined pursuant to this subdivision, the local agency
13 formation commission shall not impose any fiscal
14 conditions upon a city's qualified annexation of
15 unincorporated territory that is subject to this
16 subdivision.

17 (f) Except as otherwise provided in subdivision (g),
18 for the purpose of determining the amount of property
19 tax to be allocated in the 1979–80 fiscal year and each fiscal
20 year thereafter for those local agencies that were affected
21 by a jurisdictional change which was filed with the State
22 Board of Equalization after January 1, 1978, but on or
23 before January 1, 1979. The local agencies shall determine
24 by resolution the amount of property tax revenues to be
25 exchanged between and among the affected agencies
26 and notify the auditor of the determination.

27 (g) For the purpose of determining the amount of
28 property tax to be allocated in the 1979–80 fiscal year and
29 each fiscal year thereafter, for a city incorporation that
30 was filed pursuant to Sections 54900 to 54904 after January
31 1, 1978, but on or before January 1, 1979, the amount of
32 property tax revenue considered to have been received
33 by the jurisdiction for the 1978–79 fiscal year shall be
34 equal to two-thirds of the amount of property tax revenue
35 projected in the final local agency formation commission
36 staff report pertaining to the incorporation multiplied by
37 the proportion that the total amount of property tax
38 revenue received by all jurisdictions within the county
39 for the 1978–79 fiscal year bears to the total amount of
40 property tax revenue received by all jurisdictions within



1 the county for the 1977–78 fiscal year. Except, however,
2 in the event that the final commission report did not
3 specify the amount of property tax revenue projected for
4 that incorporation, the commission shall by October 10,
5 determine pursuant to Section 54790.3 of the
6 Government Code the amount of property tax to be
7 transferred to the city.

8 The provisions of this subdivision shall also apply to the
9 allocation of property taxes for the 1980–81 fiscal year and
10 each fiscal year thereafter for incorporations approved by
11 the voters in June 1979.

12 (h) For the purpose of the computations made
13 pursuant to this section, in the case of a district formation
14 that was filed pursuant to Sections 54900 to 54904,
15 inclusive, of the Government Code after January 1, 1978,
16 but before January 1, 1979, the amount of property tax to
17 be allocated to the district for the 1979–80 fiscal year and
18 each fiscal year thereafter shall be determined pursuant
19 to Section 54790.3 of the Government Code.

20 (i) For the purposes of the computations required by
21 this chapter, in the case of a jurisdictional change, other
22 than a change requiring an adjustment by the auditor
23 pursuant to subdivision (a), the auditor shall adjust the
24 allocation of property tax revenue determined pursuant
25 to Section 96 or 96.1 or its predecessor section, or the
26 annual tax increment determined pursuant to Section
27 96.5 or its predecessor section, for each local school
28 district, community college district, or county
29 superintendent of schools whose service area or service
30 responsibility would be altered by the jurisdictional
31 change, as determined as follows:

32 (1) The governing body of each district, county
33 superintendent of schools, or county whose service areas
34 or service responsibilities would be altered by the change
35 shall determine the amount of property tax revenues to
36 be exchanged between and among the affected
37 jurisdictions. This determination shall be adopted by each
38 affected jurisdiction by resolution. For the purpose of
39 negotiation, the county auditor shall furnish the parties



1 and the county board of education with an estimate of the
2 property tax revenue subject to negotiation.

3 (2) In the event that the affected jurisdictions are
4 unable to agree, within 60 days after the effective date of
5 the jurisdictional change, and if all the jurisdictions are
6 wholly within one county, the county board of education
7 shall, by resolution, determine the amount of property tax
8 revenue to be exchanged. If the jurisdictions are in more
9 than one county, the State Board of Education shall, by
10 resolution, within 60 days after the effective date of the
11 jurisdictional change, determine the amount of property
12 tax to be exchanged.

13 (3) Upon adoption of any resolution pursuant to this
14 subdivision, the adopting jurisdictions or State Board of
15 Education shall notify the county auditor who shall make
16 the appropriate adjustments as provided in subdivision
17 (a).

18 (j) For purposes of subdivision (i), the annexation by
19 a community college district of territory within a county
20 not previously served by a community college district is
21 an alteration of service area. The community college
22 district and the county shall negotiate the amount, if any,
23 of property tax revenues to be exchanged. In these
24 negotiations, there shall be taken into consideration the
25 amount of revenue received from the timber yield tax
26 and forest reserve receipts by the community college
27 district in the area not previously served. In no event shall
28 the property tax revenue to be exchanged exceed the
29 amount of property tax revenue collected prior to the
30 annexation for the purposes of paying tuition expenses of
31 residents enrolled in the community college district,
32 adjusted each year by the percentage change in
33 population and the percentage change in the cost of
34 living, or per capita personal income, whichever is lower,
35 less the amount of revenue received by the community
36 college district in the annexed area from the timber yield
37 tax and forest reserve receipts.

38 (k) At any time after a jurisdictional change is
39 effective, any of the local agencies party to the agreement
40 to exchange property tax revenue may renegotiate the



1 agreement with respect to the current fiscal year or
2 subsequent fiscal years, subject to approval by all local
3 agencies affected by the renegotiation.

4 SEC. 30. Section 4986.3 of the Revenue and Taxation
5 Code is amended to read:

6 4986.3. All or any portion of any uncollected tax,
7 penalty, or costs, heretofore or hereafter levied, and not
8 heretofore validly canceled, may, on satisfactory proof, be
9 canceled by the auditor on order of the board of
10 supervisors with the written consent of the district
11 attorney if it was levied or charged on property subject
12 to assessment or special taxes for the payment of bonds
13 issued under the Improvement Bond Act of 1915
14 (Division 10 (commencing with Section 8500) of the
15 Streets and Highways Code) or the Mello-Roos
16 Community Facilities Act of 1982 (Chapter 2.5
17 (commencing with Section 53311) of Division 2 of Part 1
18 of Title 5 of the Government Code) where that property
19 was acquired after the lien date by a city on foreclosure
20 proceedings under the Improvement Bond Act of 1915 or
21 the Mello-Roos Community Facilities Act of 1982. If a city
22 is entitled to bring foreclosure proceedings under the
23 Improvement Bond Act of 1915 or the Mello-Roos
24 Community Facilities Act of 1982 against any property
25 and the city acquires the property in any other manner
26 than by foreclosure and the governing body of the city by
27 resolution, covering any number of parcels acquired,
28 declares that the acquisition was in lieu of acquisition
29 under foreclosure proceedings, that acquisition is, for the
30 purposes of this section, an acquisition by foreclosure
31 proceedings under the Improvement Bond Act of 1915 or
32 the Mello-Roos Community Facilities Act of 1982. This
33 section applies regardless of whether the property
34 acquired by the city is impressed with a public trust or is
35 acquired for the purpose of resale. As used in this section,
36 “city” means any city, county, city and county, special
37 district, school district, joint powers authority, or any
38 other municipal corporation, district, or political
39 subdivision of the state.



1 SEC. 31. Section 11005 of the Revenue and Taxation
2 Code is amended to read:

3 11005. (a) After payment of refunds therefrom and
4 after making the deductions authorized by Section 11003
5 and reserving the amount determined necessary by the
6 Pooled Money Investment Board to meet the transfers
7 ordered or proposed to be ordered pursuant to Section
8 16310 of the Government Code, commencing with the
9 1989–90 fiscal year, the Controller shall deduct that
10 amount which is necessary to make the allocation
11 provided for in subdivision (j) of Section 98.02.
12 Eighty-one and one-quarter percent of the balance of all
13 motor vehicle license fees and any other money
14 appropriated by law for expenditure pursuant to this
15 section and deposited to the credit of the Motor Vehicle
16 License Fee Account in the Transportation Tax Fund and
17 remaining unexpended therein at the close of business on
18 the last day of the calendar month shall be allocated by
19 the Controller by the 10th day of the following month in
20 the manner provided by subdivisions (c) and (d).

21 (b) Eighteen and three-quarters percent of the
22 balance shall be allocated, as follows:

23 (1) (A) Commencing with the 1988–89 fiscal year, the
24 Controller shall allocate to each city that existed but did
25 not levy a property tax in the 1977–78 fiscal year, other
26 than for voter-approved indebtedness, an amount equal
27 to the total amount which each of those cities would have
28 received in that fiscal year pursuant to Section 25761 of
29 the Business and Professions Code, Section 4306 of the
30 Public Utilities Code, and Section 26483 of this code, as if
31 those sections were operative in that fiscal year in the
32 form in which they existed on June 1, 1981. For each fiscal
33 year thereafter, the Controller shall increase the amount
34 for each city computed pursuant to this paragraph by the
35 percent by which the revenue to the Motor Vehicle
36 License Fee Account increased over the revenue for the
37 previous fiscal year.

38 (B) (i) For each fiscal year following the 1988–89
39 fiscal year in which a city subject to subparagraph (A)
40 receives a distribution of property tax revenue pursuant



1 to Section 97.35, 97.37, or 97.38, the amount to be allocated
2 to the city pursuant to subparagraph (A) shall be reduced
3 by the amount of the distribution made pursuant to those
4 sections.

5 (ii) No allocation shall be made to a city pursuant to
6 subparagraph (A) in the first fiscal year in which the
7 amount distributed to a city pursuant to Section 97.35,
8 97.37, or 97.38 equals or exceeds the amount that would
9 have been allocated to that city pursuant to subparagraph
10 (A) or in any fiscal year thereafter.

11 (iii) Any amount not allocated to a city pursuant to
12 subparagraph (A) as a result of the operation of this
13 subparagraph shall be allocated to eligible cities in
14 accordance with clause (iv).

15 (iv) Commencing with the 1989–90 fiscal year, the
16 Controller shall allocate the amount determined in clause
17 (iii) for each fiscal year to each eligible city in the
18 proportion that the population of each eligible city bears
19 to total population of all eligible cities.

20 For purposes of this clause, “eligible city” means any
21 city which incorporated prior to June 5, 1987, and had an
22 amount of property tax revenue allocated to it pursuant
23 to subdivision (a) of Section 97 in the 1987–88 fiscal year
24 which is less than 10 percent of the amount of property
25 tax revenue computed for the 1987–88 fiscal year in
26 accordance with the method described in subdivision (c)
27 of Section 97.35.

28 The auditor shall notify the Controller of his or her
29 determination of those cities within the county which are
30 eligible cities.

31 (2) Each month the Controller shall allocate the
32 remainder of the amount determined pursuant to this
33 subdivision to counties and cities and counties in an
34 amount for each county and city and county equal to the
35 revenue received in the 1982–83 fiscal year pursuant to
36 former Section 16111, subdivision (c) of former Section
37 16113, and former Section 16113.7 of the Government
38 Code. These amounts shall be determined by the
39 Controller with the concurrence of the Director of
40 Finance. The Controller shall allocate any remaining



1 amount determined pursuant to this subdivision to
2 counties and cities and counties in the proportion that the
3 population of each county or city and county bears to the
4 total population of all the counties and cities and counties
5 of the state, as determined pursuant to subdivision (d).

6 (c) Fifty percent of the payments required by
7 subdivision (a) shall be paid to the cities and cities and
8 counties of this state in the proportion that the population
9 of each city or city and county bears to the total
10 population of all cities and cities and counties in this state,
11 as determined by the population research unit of the
12 Department of Finance. For the purpose of this
13 subdivision, the population of each city or city and county
14 is that determined by the last federal decennial or special
15 census, or a subsequent census validated by the
16 population research unit or subsequent estimate
17 prepared pursuant to Section 2107.2 of the Streets and
18 Highways Code. In the case of a city incorporated
19 subsequent to the last federal census, or a subsequent
20 census validated by the population research unit, the
21 population research unit shall determine the population
22 of the city. In the case of unincorporated territory being
23 annexed to a city subsequent to the last federal census, or
24 a subsequent census validated by the population research
25 unit, the population research unit shall determine the
26 population of the annexed territory by the use of any
27 federal decennial or special census, or estimate prepared
28 pursuant to Section 2107.2 of the Streets and Highways
29 Code. In the case of the consolidation of one city with
30 another subsequent to the last federal census, or a
31 subsequent census validated by the population research
32 unit, the population of the consolidated city, for the
33 purpose of this subdivision, is the aggregate population of
34 the respective cities as determined by the last federal
35 census, or a subsequent census or estimate validated by
36 the population research unit.

37 (d) Fifty percent of the payments required by
38 subdivision (a) shall be paid to the counties and cities and
39 counties of the state in the proportion that the population
40 of each county or city and county bears to the total



1 population of all the counties and cities and counties of
2 the state, as determined by the population research unit.
3 For the purpose of this subdivision, the population of each
4 county or city and county is that determined by the last
5 federal census, or subsequent census validated by the
6 population research unit, or as determined by Section
7 11005.6.

8 (e) Money disbursed by the Controller to cities and
9 counties pursuant to this section may be used for county
10 or city purposes and may, but need not necessarily, be
11 used for purposes of general interest and benefit to the
12 state.

13 (f) Population changes based on a federal special
14 census or a subsequent census validated by the
15 Department of Finance shall be accepted by the
16 Controller only if certified to him at the request of the
17 city, city and county, or county for which the census was
18 made and shall become effective on the first day of the
19 month following receipt of the certification.

20 SEC. 32. This act is an urgency statute necessary for
21 the immediate preservation of the public peace, health,
22 or safety within the meaning of Article IV of the
23 Constitution and shall go into immediate effect. The facts
24 constituting the necessity are:

25 *Delays by independent testing laboratories in*
26 *developing standards for the quality and installation of*
27 *burglar bars and safety release mechanisms make it*
28 *impossible for the State Fire Marshal to meet the*
29 *deadlines for the adoption of regulations. Rather than*
30 *adopt poorly researched safety standards, it is necessary*
31 *to amend Section 13114.2 of the Health and Safety Code*
32 *by Section 26.5 of this act to allow sufficient time to*
33 *develop standards and adopt regulations for burglar bars*
34 *and safety release mechanisms.*

35 Existing defaults on bonds issued by local agencies
36 pursuant to the Marks-Roos Community Facilities Act of
37 1982 have resulted in severe economic and fiscal
38 hardships on property owners, local agencies, and private
39 investors. To speed the resolution of those impaired
40 investments, it is critical to amend Section 4986.3 of the



1 Revenue and Taxation Code by Section 30 of this act at
2 the earliest possible time.
3 SEC. 33. Except for Sections ~~30~~ 26.5, 30, and 32 and
4 this section, the provisions of this act shall become
5 operative on January 1, 2000.

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