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AND DIGESTS OF MEASURES

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Constitution of 1879 as Amended

**General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments passed by the
California Legislature**

1989-90 Regular Session



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CHAPTER 1440

An act to amend Sections 11752, 15333.6, 15379.3, and 15379.10 of, and to add Chapter 3.6 (commencing with Section 15379.20) to Part 6.7 of Division 3 of Title 2 of, the Government Code, and to add and repeal Sections 17277, 23634, and 24390 of the Revenue and Taxation Code, relating to technology.

[Approved by Governor October 2, 1989 Filed with
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The people of the State of California do enact as follows:

SECTION 1. Section 11752 of the Government Code is amended to read:

11752. There is in the Business, Transportation and Housing Agency the Stephen P. Teale Data Center. The Stephen P. Teale Data Center shall be under the supervision of a data center director who shall be appointed by the Governor, subject to conformation by the Senate and serve at the pleasure of the Governor. The director shall receive the salary provided for by Section 11554. The director shall be responsible for the efficient and effective management and operation of the data center. The director shall continue to communicate regularly with the Office of Information Technology regarding future needs of the center and the likely impact of emerging technologies.

SEC. 1.5. Section 15333.6 of the Government Code is amended to read:

15333.6. (a) There is within the Department of Commerce the Competitive Technology Advisory Committee, which shall not exceed 18 members. The Speaker of the Assembly and the Senate Committee on Rules shall each appoint three members. The Governor shall appoint the remaining members of the committee upon nomination by the Director of Commerce and shall appoint one member as chair. All members of the committee shall be California residents with an advanced level of education or experience in science or technology obtained through service in higher education, research laboratories, or the private sector. Included in the committee shall be representatives from the University of California, the California State University, the independent colleges and universities in California, and federal laboratories. A majority of the members of the committee shall represent the private sector. All members of the committee shall serve for a two-year term.

(b) Each committee member shall serve without compensation but may be reimbursed for actual and necessary travel expenses incurred in the performance of duties. No member shall, by virtue of serving as a member of the committee, be deemed to be an officer of the state.

(c) The committee shall advise the Department of Commerce regarding the following:

(1) Establishing priorities for the California Competitive Technology Program pursuant to Chapter 3.5 (commencing with Section 15379), taking into account the technological problems faced by California companies and competitive challenges facing the economy of this state.

(2) Scientific and technological expertise pursuant to Section 15379.8.

(3) The California Competitive Technology Program as needed and upon request of the Department of Commerce.

(d) Staff for the committee shall be supplied by the Department of Commerce and records of the council shall be maintained by the department.

SEC. 2. Section 15379.3 of the Government Code is amended to read:

15379.3. (a) There is within the department the California Competitive Technology Program to provide grants to technology transfer projects. The department may fund a variety of technology transfer projects, including, but not limited to, the following: access to ongoing research and research findings, exchange or transfer of personnel, research support services, including capital outlay, consortia development, and collaborative research.

(b) The department shall fund projects that include, but are not limited to, environmental improvement, energy development, advanced materials, automated manufacturing, biotechnology, optoelectronics, manufacturing technologies, medical technologies, electronics, computer science, software, robotics, and superconductivity.

(c) The department shall award grants based upon a competitive application process addressing the project's eligibility and ability to fulfill the goals of the program. This process shall include:

(1) An eligibility screening.

(2) A proposal review which shall include a peer review of the proposal's scientific and technological aspects.

The request for application may include categories of technologies, programs, or industries for project funding. The department shall periodically determine and update the categories of technologies, programs, and industries based upon advice from the Competitive Technology Advisory Committee. The request for application may also indicate the allocation of grant funds between the categories of technologies, programs, and industries.

(d) The department may award grants for a multiyear period of time not to exceed five years. Funds for the second and subsequent years of a multiyear grant shall be contingent upon satisfactory completion by the grantee of the prior year grant.

(e) Grant funds awarded for consortia development projects may be used to fund third-party projects upon compliance with all of the following provisions:

(1) The projects are within one or more specified technology or industry priorities.

(2) The department has approved the process used for selecting the projects

(3) The entity conducting the project is a public agency or a not-for-profit or nonprofit organization.

SEC. 3. Section 15379.10 of the Government Code is amended to read:

15379.10. (a) Notwithstanding Sections 15379.3, 15379.4, 15379.45, and 15379.5, and the regulations implementing this chapter, the director may award discretionary technology transfer grants totaling not more than 5 percent or one hundred thousand dollars (\$100,000), whichever is greater, of the funds appropriated each year for this program.

(b) Notwithstanding Sections 15379.3, 15379.4, 15379.45, 15379.5, and subdivision (a) of this section, the director may award up to 15 percent of the funds appropriated for a given fiscal year for consortia development projects which do not have private sector match but will have private sector match within six months from the date of the award of funding. For purposes of this subdivision, "private sector match" means a cash or in-kind contribution available for expenditure or use to a consortium development project. If, after six months, no private sector match is available, funding under the program shall cease and all moneys previously received shall be returned to the state.

SEC. 4. Chapter 3.6 (commencing with Section 15379.20) is added to Part 6.7 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 3.6. CALIFORNIA DRAM CONSORTIUM PROJECT

15379.20. The Legislature finds and declares all of the following:

(a) The electronics industry is the nation's largest manufacturing industry in terms of jobs and income, accounting for 2,640,000 jobs and four hundred billion dollars (\$400,000,000,000) in annual sales nationwide

(b) The electronics industry is concentrated in California and is one of California's most important industries, employing over 800,000 persons.

(c) More than 2,000 computer companies operate in California and generate more than a third of the value of the nation's computer shipments.

(d) Nearly half of the United States' semiconductor companies are headquartered in California and produce six billion dollars (\$6,000,000,000) of the nation's seventeen billion dollars (\$17,000,000,000) in annual sales of semiconductors while directly employing 122,000 Californians.

(e) The keystone of our high technology economy is the semiconductor. Semiconductors are the basic building blocks of the

entire electronics industry, including the computer, telecommunications, and robotics. Semiconductor technology is the engine of the information age. Semiconductor technology is essential to every modern electronic system, from microwave ovens to communications satellites.

(f) The United States semiconductor industry is in crisis. Half the world's automation and robotic equipment for producing semiconductors is installed in Japan. The United States has been a net importer of computers since 1982. In the last 10 years, the United States' market share of the world's dynamic, random-access memories (DRAMs) has dropped to 20 percent.

(g) While the United States is generally competitive with regard to basic research and invention, the United States is failing to maintain its competitiveness due to the lack of expertise in process manufacturing.

(h) There is a consortium of semiconductor and computer companies which plans to manufacture state-of-the-art dynamic, random-access memory chips to become competitive after the "dumping" of Japanese DRAMs reduced the market share of the United States to 25 percent.

(i) It is in the best interests of the State of California that these manufacturing facilities be located in California in order to preserve and expand California's electronics industry, to attract and maintain jobs, to secure the continued strength of allied industries in California, including aerospace, automobiles, computers, and communications, and to generally benefit California's economy and competitiveness worldwide.

(j) It is particularly important that the DRAM manufacturing facilities be located in this state because semiconductor equipment and related industries are likely to gravitate toward such a manufacturing center.

15379.21. The Department of Commerce shall annually certify as eligible for the tax benefits specified in Sections 17053.21, 17277, 23634, and 24390 of the Revenue and Taxation Code a corporation which is comprised of a consortium of significant semiconductor and electronics companies if the department determines that those tax benefits are a necessary part of the proposal submitted by the State of California by September 30, 1989, to secure the corporation's siting of manufacturing facilities for dynamic, random-access memory (DRAM) chips in California.

SEC 5. Section 17277 is added to the Revenue and Taxation Code, to read:

17277. If a corporation described in Section 15379.21 of the Government Code receives a certification pursuant to that section from the Department of Commerce, the taxpayers who receive interest in payment of the corporation's indebtedness may claim the deduction allowed by Section 17231 to the same extent as the deduction is allowable to taxpayers qualified under that section, with respect to indebtedness directly related to the corporation's facility

or facilities located in California.

This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2005, deletes or extends that date.

SEC. 6. Section 23634 is added to the Revenue and Taxation Code, to read:

23634. If a corporation described in Section 15379.21 of the Government Code receives a certification pursuant to that section from the Department of Commerce, the corporation may claim the credits allowed by Section 23612 to the same extent as those credits are allowable to taxpayers qualified under those sections, but only with respect to activities directly related to the corporation's facility or facilities located in California.

This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2005, deletes or extends that date.

SEC. 7. Section 24390 is added to the Revenue and Taxation Code, to read:

24390. If a corporation described in Section 15379.21 of the Government Code receives a certification pursuant to that section from the Department of Commerce, the corporation and the taxpayers to whom the corporation makes payments on indebtedness may claim the following applicable deductions:

(a) The corporation may claim the deductions allowed by Sections 24356.3, 24416.1, and 24416.2 to the same extent as those deductions are allowable to taxpayers qualified under those sections, but only with respect to activities directly related to the corporation's facility or facilities located in California.

(b) The taxpayers who receive interest in payment of the corporation's indebtedness may claim the deduction allowed by Section 24384 to the same extent as that deduction is allowable to taxpayers qualified under that section, with respect to indebtedness directly relating to the corporation's facility or facilities located in California.

This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2005, deletes or extends that date.

SEC. 8. (a) The Legislature finds and declares as follows:

(1) Data processing, a major component of daily legislative operations, is evolving at a rate beyond the ability of separate legislative facilities to absorb

(2) New electronic voice and data processing and transmission capabilities are becoming available which the Legislature must take advantage of in order to increase and sustain its efficiency while maintaining cost controls.

(3) Budgeting within the Senate and Assembly to support the developing data processing programs has strained existing resources and alternate funding for these programs must be addressed.

(4) The provision of planning services is needed to enable the

Legislature to take advantage of new developments in both hardware and software technology.

(5) The Legislature must avail itself of all available technology in the area of data processing.

(6) Isolation of the Legislature's data processing systems outside of the state's major data processing facility, the Teale Data Center, denies the Legislature full access to planning and operational opportunities.

(b) The Legislative Analyst shall conduct a study on the following matters and shall submit its findings and recommendations to the Assembly and Senate no later than January 30, 1990.

(1) The feasibility of shifting some or all portions of the Assembly and Senate data facilities to the Teale Data Center for operations.

(2) The investigation of statewide data links connecting the State Capitol with Senate and Assembly district offices.

(3) The investigation of alternative technology for satisfaction of data transmission needs, both internal and external, with governmental and nongovernmental information user groups including, but not limited to, cities, counties, special districts, school boards, and similar entities.

(4) The provision of training for legislative employees both at the State Capitol and throughout the state at district offices which has posed an enormous logistical and cost burden.

(5) Determining the advantages and all other consequences of incorporating the data processing and transmission systems with that of the state as a whole. Inasmuch as the Teale Data Center is the major state data processing facility, consolidation of the legislative system with that facility shall be the major focus of the study.

(c) It is the intent of the Legislature, if the study results indicate the increased efficiency and cost effectiveness of such a consolidation, to enact legislation which would require the consolidation to take effect at the commencement of the 1990-91 fiscal year.

CHAPTER 1441

An act to add Section 241.1 to the Welfare and Institutions Code, relating to juvenile court law.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

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

SECTION 1. Section 241.1 is added to the Welfare and Institutions Code, to read:

241.1. (a) Whenever a minor appears to come within the description of both Section 300 and Section 601 or 602, the county

probation department and the county welfare department shall, pursuant to a jointly developed written protocol described in subdivision (b), initially determine which status will serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court with the petition which is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor.

(b) The probation department and the welfare department in each county shall jointly develop a written protocol to ensure appropriate local coordination in the assessment of a minor described in subdivision (a), and the development of recommendations by these departments for consideration by the juvenile court. These protocols shall require, which requirements shall not be limited to, consideration of the nature of the referral, the age of the minor, the prior record of the minor's parents for child abuse, the prior record of the minor for out-of-control or delinquent behavior, the parents' cooperation with the minor's school, the minor's functioning at school, the nature of the minor's home environment, and the records of other agencies which have been involved with the minor and his or her family. The protocols also shall contain provisions for resolution of disagreements between the probation and welfare departments regarding the need for dependency or ward status and provisions for determining the circumstances under which a new petition should be filed to change the minor's status.

(c) Nothing in this section shall be construed to authorize the filing of a petition or petitions, or the entry of an order by the juvenile court, to make a minor simultaneously both a dependent child and a ward of the court.

SEC. 2. The Legislature declares that this act mandates a new program or higher level of service on local government. As required by Section 6 of Article XIII B of the California Constitution, reimbursement to local agencies and school districts for costs mandated by the state pursuant to this act shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code and, if the statewide cost of the claim for reimbursement does not exceed one hundred twenty-five thousand dollars (\$125,000), shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1442

An act to add and repeal Chapter 8.5 (commencing with Section 15399.10) of Part 6.7 of Division 3 of Title 2 of the Government Code, to amend Sections 25285 and 25299.01 of, to add Section 25285.1 to, and to add and repeal Chapter 6.75 (commencing with Section 25299.10) of Division 20 of, the Health and Safety Code, and to add Part 26 (commencing with Section 50101) to Division 2 of the Revenue and Taxation Code, relating to hazardous substances, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. Chapter 8.5 (commencing with Section 15399.10) is added to Part 6.7 of Division 3 of Title 2 of the Government Code, to read:

**CHAPTER 8.5 LOANS FOR REPLACEMENT, REMOVING, OR
UPGRADING OF UNDERGROUND STORAGE TANKS**

15399.10 (a) "Board" means the State Water Resources Control Board.

(b) "Loan applicant" means a small business which applies to the department for a loan pursuant to this chapter.

(c) "Tank" means an underground storage tank, as defined in Section 25281 of the Health and Safety Code, used for the purpose of storing petroleum, as defined in Section 25299.21 of the Health and Safety Code.

(d) "Department" means the Department of Commerce.

(e) "Project tank" means one or more tanks that would be upgraded, replaced, or removed with loan funds.

15399.11. The department shall conduct a loan program pursuant to this chapter, to assist small businesses in upgrading, replacing, or removing tanks to meet applicable local, state, or federal standards. Loan funds may also be used for corrective actions, as defined in Section 25299.14 of the Health and Safety Code.

15399.12. The department shall only make loan funds available to loan applicants which meet all of the following eligibility requirements:

(a) The loan applicant is a small business, as defined in subdivision (c) of Section 14837.

(b) The loan applicant owns or operates a project tank.

(c) Loan funds are not obtainable, upon reasonable terms, from private financial institutions, the Hazardous Substance Cleanup Financing Authority, the California Pollution Control Financing

Authority, or any other government agency.

(d) The loan applicant demonstrates the ability to repay the loan, and the availability of adequate collateral to secure the loan.

(e) All tanks owned or operated by the loan applicant are subject to compliance with Chapter 6.7 (commencing with Section 25280) of Division 20 of the Health and Safety Code and the regulations adopted pursuant to that chapter.

(f) The loan applicant has complied, or will comply, with the financial responsibility requirements specified in Section 25299.31 of the Health and Safety Code and the regulations adopted pursuant to this section

15399.13. A complete loan application shall include the following:

(a) Evidence of eligibility.

(b) An environmental audit, as specified in Section 5268 of Title 10 of the California Code of Regulations.

(c) Financial and legal documents necessary to demonstrate the applicant's ability to repay and provide collateral for the loan. The department shall develop a standard list of documents required of all applicants, and may also request from individual applicants additional financial and legal documents not provided on this list.

(d) An explanation of the reasons the project tank is not in compliance with applicable local, state, or federal standards, and evidence that tanks not included in the list of project tanks are currently in compliance with applicable local, state, or federal standards.

(e) A detailed cost estimate of the tasks which are required to be completed in order for the project tanks to comply with applicable local, state, or federal standards.

(f) Any other information which the department determines to be necessary to include in an application form.

15399.14. (a) The maximum amount the department may loan for one project tank is fifty thousand dollars (\$50,000), the minimum amount the department may loan an applicant is thirty thousand dollars (\$30,000), and the maximum amount the department may loan an applicant is three hundred fifty thousand dollars (\$350,000). A loan applicant shall not have more than one loan, pursuant to this article, outstanding at any one time.

(b) The term of the loan is a maximum of 20 years if secured by real property, and 10 years if not secured by real property. The interest rate for loans shall be set at the rate earned by the Surplus Money Investment Fund at the time of the loan commitment

(c) Loan funds shall not be used to finance any more than 90 percent of the costs necessary to upgrade, remove, or replace project tanks, including corrective actions, to meet applicable local, state, or federal standards.

(d) The repeal of this chapter pursuant to Section 15399.21 shall not extinguish a loan obligation and shall not impair the deed of trust or other collateral made pursuant to this chapter or the authority of the state to pursue appropriate action for collection.

(e) The department may charge a loan fee to loan applicants of up to 2 percent of the requested loan amount. The loan fee shall be deposited in the Petroleum Financing Collection Account.

15399.15. A local agency designated pursuant to Section 25283 of the Health and Safety Code, which has jurisdiction over the project tank shall determine whether the project proposed for funding will result in the project tank meeting the applicable local, state, or federal standards. The department shall carry out all the other requirements of this chapter.

15399.16. (a) The department shall adopt regulations necessary to implement and make specific this chapter as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3, and for purposes of that chapter, including Section 11349.6, the adoption of the regulations shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding subdivision (e) of Section 11346.1, the regulations shall be repealed 180 days after their effective date unless the agency complies with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 pursuant to subdivision (e) of Section 11346.1.

(b) The department may expend, upon appropriation by the Legislature, an amount up to, but not greater than, eighty thousand dollars (\$80,000) from the funds deposited in the subaccount specified in subdivision (d) of Section 15399.17, to adopt regulations pursuant to this chapter.

15399.17. (a) The Petroleum Underground Storage Tank Financing Account is hereby created in the General Fund. The Petroleum Underground Storage Tank Financing Account is created for both of the following purposes:

(1) Receiving federal, state, and local money.

(2) Receiving repayments of loans and interest and late fees on those accounts.

(b) The funds deposited into the account may be expended by the department, upon appropriation by the Legislature, for making loans pursuant to this chapter.

(c) Notwithstanding Section 16305.7, all interest or other increments resulting from the investment of the funds in the Petroleum Underground Storage Tank Financing Account pursuant to Article 4 (commencing with Section 16470) of Chapter 3 of Part 2 of Division 4 of Title 2 shall be deposited in the Petroleum Underground Storage Tank Financing Account.

(d) All interest accruing on interest payments from loan applicants or interest earned on the funds in the Petroleum Underground Storage Tank Financing Account shall be deposited in a subaccount of the account.

15399.18. (a) There is hereby created, in the California Economic Development Grant and Loan Fund, the Petroleum Financing Collection Account. The Petroleum Financing Collection

Account is created solely for the purpose of receiving charges, fees, and income, including, but not limited to, the charges and costs collected pursuant to subdivision (c).

(b) To defray the costs of the department in administering the loan program created pursuant to this chapter, the department may do all of the following:

(1) Impose reasonable charges on all applications and impose the loan fee specified in subdivision (e) of Section 15399.14.

(2) Recover collection costs from the borrower or other party.

(3) Earn income on any asset recovered pursuant to a loan default.

(c) The department shall deposit the charges and costs collected pursuant to subdivision (b), including the loan fees charged pursuant to subdivision (e) of Section 15399.14, in the Petroleum Financing Collection Account. The department may expend the funds in the Petroleum Financing Collection Account, upon appropriation by the Legislature, for those costs necessary to protect the state's position as a lender-creditor. These costs shall be broadly construed to include, but not be limited to, foreclosure expenses, auction fees, title searches, appraisals, real estate brokerage fees, attorney fees, mortgage payments, insurance payments, utility costs, repair costs, removal and storage costs for repossessed equipment and inventory, and additional expenditures to purchase a senior lien in foreclosure or bankruptcy proceedings.

15399.19. If this chapter is repealed pursuant to Section 15399.21, then following the day on which the authority ceases to exist, all moneys in the Petroleum Underground Storage Tank Financing Account and all moneys due that account shall revert to, and accrue to the benefit of, the Underground Storage Tank Cleanup Fund in the General Fund.

15399.20. (a) Except as provided in subdivision (b), the department may, upon appropriation by the Legislature, expend an amount not more than one hundred thirty thousand dollars (\$130,000) in any fiscal year for administrative expenses in carrying out this chapter from the subaccount in the Petroleum Underground Storage Tank Financing Account specified in subdivision (d) of Section 15399.16.

(b) The sum of sixty-five thousand dollars (\$65,000) is hereby appropriated from the Petroleum Underground Storage Tank Financing Account to the department for the administrative expenses of carrying out this chapter from the effective date of the act adding this chapter until July 1, 1990.

(c) The department may transfer an amount of not more than two hundred thousand dollars (\$200,000) from the Petroleum Underground Storage Tank Financing Account to the Petroleum Financing Collection Account.

15399.21. (a) Except as provided in subdivision (b), this chapter shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is chaptered before

January 1, 1998, deletes or extends that date.

(b) The repeal of this chapter shall not terminate the following obligations or authorities necessary to administer the obligations until these obligations are satisfied:

(1) The payment of claims filed prior to January 1, 1998, against the Underground Storage Tank Cleanup Fund pursuant to Chapter 6.75 (commencing with Section 25299.10) of the Health and Safety Code, until the moneys in the fund are exhausted. Upon exhaustion of the Underground Storage Tank Cleanup Fund, any remaining claims shall be invalid

(2) The repayment of loans, outstanding as of January 1, 1998, due and payable to the department under the terms of this chapter.

(3) The resolution of any cost recovery action filed prior to January 1, 1998, pursuant to Chapter 6.75 (commencing with Section 25299.10) of the Health and Safety Code.

SEC. 2. Section 25285 of the Health and Safety Code is amended to read:

25285. Except as provided in Section 25285.1, a permit to operate issued by the local agency pursuant to Section 25284 shall be effective for five years. A local agency shall not issue or renew a permit to operate an underground storage tank if the local agency inspects the tank and determines that the tank does not comply with this chapter. A local agency shall not issue or renew a permit to operate an underground storage tank to any person who has not paid the fee and surcharge required by Section 25287.

SEC. 3. Section 25285.1 is added to the Health and Safety Code, to read:

25285.1. (a) A local agency may revoke or modify a permit issued pursuant to Section 25284 for cause, including, but not limited to, any of the following:

(1) Violation of any of the terms or conditions of the permit

(2) Obtaining the permit by misrepresentation or intentional failure to fully disclose all relevant facts.

(3) A change in any condition that requires modification or termination of the operation of the underground storage tank

(b) The local agency shall revoke the permit of an underground storage tank issued pursuant to Section 25284 if the owner or operator is not in compliance with Article 3 (commencing with Section 25299.30) of Chapter 6.75 on the date three months after the date on which the owner or operator of the tank first becomes subject to Article 3 (commencing with Section 25299.30) of Chapter 6.75.

SEC. 4. Section 25299.01 of the Health and Safety Code is amended to read:

25299.01. When any person has engaged in, is engaged in, or is about to engage in any acts or practices which violate this chapter, or Chapter 6.75 (commencing with Section 25299.10) or any rule, regulation, permit, standard, requirement, or order issued, adopted, or executed pursuant to this chapter or Chapter 6.75 (commencing

with Section 25299.10), the city attorney of the city in which the acts or practices occur, occurred, or will occur, the district attorney of the county in which the acts or practices occur, occurred, or will occur, or the Attorney General may apply to the superior court for any order enjoining these acts or practices, or for an order directing compliance. The court may grant a permanent or temporary injunction, restraining order, or other order.

SEC. 5. Chapter 6.75 (commencing with Section 25299.10) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 6.75. PETROLEUM UNDERGROUND STORAGE TANK CLEANUP

Article 1. Findings and Declarations

25299 10. The Legislature hereby finds and declares all of the following.

(a) It is estimated that approximately 90 percent of the underground storage tanks in the state contain petroleum and the remaining 10 percent of the tanks contain various chemical constituents.

(b) Although the exact extent of the problem is unknown, it is thought that a significant number of the underground storage tanks containing petroleum in the state may be leaking.

(c) In recent years, owners or operators of underground storage tanks have been unable to obtain affordable pollution liability insurance coverage to pay for corrective action or the obtainable coverage has been outside their financial means.

(d) There are long-term threats to public health and water quality if a comprehensive, uniform, and efficient corrective action program is not established.

(e) It is in the best interest of the health and safety of the people of the state to supplement existing commercial insurance coverage to pay for corrective action for leaks of petroleum into the environment from an underground storage tank and additionally to establish a fund to pay for corrective action where coverage is not available.

(f) A uniform, comprehensive, and efficient program establishing financial responsibility and corrective action requirements for leaking underground storage tanks containing petroleum will enable private commercial insurers to expand the availability and affordability of insurance coverage.

(g) An efficient program of establishing corrective action requirements and funds or insurance coverage should encourage corrective action to be taken in the first instance by the owner or operator of the leaking underground storage tank containing petroleum.

(h) Subchapter IX (commencing with Section 6991) of Chapter 82 of Title 42 of the United States Code provides for regulation of

underground storage tanks and allows underground storage tanks to be regulated pursuant to a state program, in lieu of a federal program, in states which are authorized to implement these provisions.

(i) It is in the interest of the people of the state, in order to avoid direct regulation by the federal government of persons already subject to regulation under state law pursuant to Chapter 6.7 (commencing with Section 2528), to authorize the state to implement the provisions of Subchapter IX (commencing with Section 6991) of Chapter 82 of Title 42 of the United States Code, including any acts amending or supplementing Subchapter IX and any federal regulations and guidelines adopted pursuant to Subchapter IX.

(j) It is in the public interest for the state to provide financial assistance to small businesses and farms which have limited financial resources, to ensure timely compliance with the law governing underground storage tanks, and to ensure the adequate protection of groundwater.

Article 2. Definitions

25299.11. Unless the context indicates otherwise, the definitions in this article govern the construction of this chapter.

25299.12. "Bodily injury" has the same meaning as used in Subchapter IX (commencing with Section 6991) of Chapter 82 of Title 42 of the United States Code and the regulations adopted pursuant thereto.

25299.13. "Claim" means any demand in writing for a certain sum.

25299.14. "Corrective action" includes, but is not limited to, evaluation and investigation of an unauthorized release, initial corrective actions measures, as specified in the federal act, and any actions necessary to investigate and remedy any residual effects remaining after the initial corrective action. Except as provided in the federal act, "corrective action" does not include actions to repair or replace an underground storage tank or its associated equipment.

25299.15. "Federal act" means Subchapter IX (commencing with Section 6991) of Chapter 82 of Title 42 of the United States Code, as added by the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), or as it may subsequently be amended or supplemented, and the regulations adopted pursuant thereto.

25299.16. "Fund" means the Underground Storage Tank Cleanup Fund created pursuant to Section 25299.50.

25299.18. "Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in an unauthorized release of petroleum from an underground storage tank.

25299.19. "Operator" means any person in control of, or having responsibility for, the daily operation of an underground storage tank containing petroleum. "Operator" includes any city, county, or

district, or any agency or department thereof, but does not include the state or any agency or department thereof, or the federal government.

25299.20. "Owner" means the owner of an underground storage tank containing petroleum.

"Owner" includes any city, county, or district, or any agency or department thereof, but does not include the state or any agency or department thereof, or the federal government.

25299.21. "Petroleum" means crude oil, or any fraction thereof, which is liquid at standard conditions of temperature and pressure, which means at 60 degrees Fahrenheit and 14.7 pounds per square inch absolute.

25299.22. "Property damage" has the same meaning as used in Subchapter IX (commencing with Section 6991) of Chapter 82 of Title 42 of the United States Code and the regulations adopted pursuant thereto.

25299.24. "Tank", "underground storage tank," "underground tank system," and "tank system" have the same meaning as defined in Section 25281, except that "tank", "underground storage tank," "underground tank system," and "tank system" mean only those tanks which are defined as petroleum underground storage tanks under the federal act.

25299.25. For purposes of this chapter, "board," "regional board," "local agency," "person," "unauthorized release," and "facility" shall have the same meanings as defined in Section 25281. Any other term used in this chapter which is not defined by this article has the same meaning as defined in Section 25281.

Article 3. Financial Responsibility

25299.30. Every owner and operator shall comply with Section 25299.31 at the time prescribed in the federal act for the establishment and maintaining of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage arising from operating an underground storage tank, or when the tank is first filled, for use, with petroleum.

25299.31. (a) Every owner and operator shall establish and maintain evidence of financial responsibility, as provided in this article, for taking corrective action and compensating third parties for bodily injury and property damage arising from operating an underground storage tank.

(b) If the owner and the operator are separate persons, either the owner or the operator shall demonstrate compliance with subdivision (a).

(c) An owner may comply with this article by entering into an agreement with the operator of the tank requiring the operator to demonstrate compliance with subdivision (a). However, both the owner and the operator are in violation of subdivision (a) if evidence of financial responsibility is not established and maintained in

accordance with this article.

25299.32. (a) The level of financial responsibility required to be obtained pursuant to Section 25299.31 shall be at least fifty thousand dollars (\$50,000) for each occurrence, and at least fifty thousand dollars (\$50,000) annual aggregate coverage for taking corrective action.

(b) The level of financial responsibility required to be obtained pursuant to Section 25299.31 for each occurrence for bodily injury and property damage shall be in the amount specified by the board in the regulations adopted pursuant to Section 25299.67.

(c) The level of financial responsibility required to be obtained pursuant to Section 25299.31 shall be in the amount specified by the board for annual aggregate coverage for both corrective action and bodily injury and property damage.

(d) The board may periodically increase the minimum level of financial responsibility specified in subdivision (a) upon its determination that private insurance is available and affordable.

25299.33. (a) An owner and operator subject to Section 25299.30 may establish evidence of financial responsibility pursuant to this article by any one or more of the means specified in the federal act.

(b) An owner or operator shall submit evidence of financial responsibility on a prepared form to the local agency which has issued a permit for the operation of the tank pursuant to Section 25284.

25299.34. (a) The total liability of any guarantor under this chapter is limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility to the owner or operator pursuant to this article. This section does not limit any other state or federal statutory, contractual, or common-law liability of a guarantor to its owner or operator, including, but not limited to, the liability of the guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim.

(b) For the purposes of this section, "guarantor" means any person, including the insurance fund or the fund, other than the owner or operator, who provides evidence of financial responsibility for an owner or operator pursuant to Section 25299.31.

Article 4 Corrective Action

25299.36. (a) An owner, operator, or other responsible party shall conduct a corrective action in response to an unauthorized release pursuant to Section 25299.37.

(b) A regional board or a local agency may undertake or contract for corrective action if a situation exists which requires prompt action by the regional board or local agency to protect human health or the environment.

25299.37. (a) Each owner, operator, or other responsible party shall take corrective action in response to an unauthorized release in compliance with this section and regulations adopted pursuant to

Section 25299.67.

(b) Any corrective action conducted pursuant to this section shall ensure protection of human health, safety, and the environment. The corrective action shall be consistent with any applicable waste discharge requirements or other order issued pursuant to Division 7 (commencing with Section 13000) of the Water Code, all applicable state policies for water quality control adopted pursuant to Article 3 (commencing with Section 13140) of Chapter 3 of Division 7 of the Water Code, and all applicable water quality control plans adopted pursuant to Section 13170 of the Water Code and Article 3 (commencing with Section 13240) of Chapter 4 of Division 7 of the Water Code.

(c) The local agency may issue an order to the owner, operator, or other responsible party requiring compliance with this section, including a time schedule for completion of specific actions. The board or a regional board may require compliance with this section as part of a cleanup and abatement order issued pursuant to Section 13304 of the Water Code. The owner, operator, or other responsible party shall conduct corrective action in accordance with any order issued by a local agency or cleanup and abatement order issued pursuant to this section.

(d) A person to whom an order is issued pursuant to subdivision (c), shall have the same rights of administrative and judicial appeal and review as are provided by law for cleanup and abatement orders issued pursuant to Section 13304 of the Water Code.

(e) Until the board adopts regulations pursuant to Section 25299.67, the owner, operator, or other responsible party shall take corrective action in accordance with Chapter 67 (commencing with Section 25280) and the federal act.

(f) If a person to whom an order is issued pursuant to subdivision (c) does not comply with the order, the regional board or the local agency may undertake or contract for corrective action and recover costs pursuant to Section 25299.53.

Article 5 Fees

25299.40. (a) For purposes of implementing this chapter, every owner or operator shall pay an annual maintenance fee of two hundred dollars (\$200) for each underground storage tank containing petroleum that is issued a permit pursuant to Section 25284. The fee imposed pursuant to this section shall be paid by every owner or operator of an underground storage tank who has received, or subsequently applies for, a permit from the local agency pursuant to Section 25284.

(b) On or before November 1, 1989, the board shall provide the State Board of Equalization with a list of all owners or operators of underground storage tanks containing petroleum, their addresses, and the number of tanks attributable to each owner or operator as of October 3, 1989. This information shall be compiled from an

analysis of permit applications stored by the board pursuant to Section 25286. Thereafter, on or before September 1, the board shall annually provide to the State Board of Equalization a list of all owners or operators of underground storage tanks containing petroleum, their addresses, and the number of tanks attributable to each owner or operator as of July 1 of the year the list is compiled.

(c) On the basis of information received from the board, the State Board of Equalization shall issue a notice of determination to every person subject to the fee imposed pursuant to this section.

(d) For the purpose of the proper administration of this article, and to prevent evasion of payment of the maintenance fee, the State Board of Equalization shall presume that the information contained in permit applications submitted pursuant to Section 25284 is correct and current.

25299.41. The State Board of Equalization shall deposit all fees collected pursuant to this article in the Underground Storage Tank Cleanup Fund.

25299.42. The fee imposed pursuant to Section 25299.40 shall be paid to the State Board of Equalization pursuant to Part 26 (commencing with Section 50101) of Division 2 of the Revenue and Taxation Code.

Article 6 Underground Storage Tank Cleanup Fund

25299.50. (a) The Underground Storage Tank Cleanup Fund is hereby created in the General Fund and may be expended by the board for the purposes of this chapter. From time to time, the board may modify existing accounts or create accounts in the fund or other funds administered by the board, which the board determines are appropriate or necessary for proper administration of this chapter.

(b) All of the following amounts shall be deposited in the fund:

(1) Money appropriated by the Legislature for deposit in the fund.

(2) The fees collected pursuant to Article 5 (commencing with Section 25299.40).

(3) Notwithstanding Section 16475 of the Government Code, any interest earned upon the money deposited in the fund.

(4) Any money recovered by the fund pursuant to Section 25299.60.

(5) Any civil penalties collected by the board or regional board pursuant to Section 25299.66.

(6) Any money deposited in the fund pursuant to Section 7 of the act adding this chapter.

25299.51. The board may expend the money in the fund for all the following purposes:

(a) In addition to the purposes specified in subdivision (c) and (d), for expenditure by the board for the costs of implementing this chapter. The board shall not expend more than 5 percent of the total amount of money collected and deposited in the fund annually for

this purpose.

(b) To pay for the administrative costs of the State Board of Equalization in collecting the fee imposed by Article 5 (commencing with Section 25299.40). The State Board of Equalization shall not expend more than 1.5 percent of the total amount of money collected and deposited in the fund annually for this purpose.

(c) To pay for the reasonable and necessary costs of the regional board or local agency for corrective action pursuant to Section 25299.36, up to one million dollars (\$1,000,000). The Legislature may appropriate the money in the fund for expenditure by the board, without regard to fiscal year, for prompt action in response to any unauthorized release.

(d) To pay for the costs of an agreement for the abatement of, and oversight of the abatement of, an unauthorized release of hazardous substances from underground storage tanks, by a local agency, as authorized by Section 25297.1 or by any other provision of law, except that, for the purpose of expenditure of these funds, only underground storage tanks, as defined in Section 25299.24, shall be the subject of the agreement.

(e) To pay for the costs of cleanup and oversight of unauthorized releases at abandoned tank sites. The board shall not expend more than 25 percent of the total amount of money collected and deposited in the fund annually for this purpose.

(f) To pay claims pursuant to Section 25299.57.

(g) To repay the loan made pursuant to Section 7 of the act adding this chapter.

(h) To pay for the reasonable and necessary costs of the regional board or the local agency for corrective action pursuant to Section 25299.37.

25299.52. (a) The board shall adopt a priority ranking list at least twice annually for awarding claims pursuant to Section 25299.57. Any owner or operator eligible for payment of a claim shall file an application with the board within a reasonable period, to be determined by the board, prior to adoption of the priority ranking list pursuant to Section 25299.54.

(b) In awarding claims pursuant to Section 25299.57, the board shall pay claims in accordance with the following priorities:

(1) Owners of tanks which are located on residential property, and which have been closed in accordance with Chapter 6.7 (commencing with Section 25280).

(2) Owners and operators of tanks who meet the requirements of subdivision (a) of Section 15399.12 of the Government Code.

(3) Owners or operators of tanks, if the owner or operator owns and operates a business which employs fewer than 500 full-time and part-time employees, is independently owned and operated, is not dominant in its field of operations, and all business operations are located in California.

(4) All other tank owners and operators.

(c) The fund may sue and be sued in its own name.

25299.53. (a) Except in cases where prompt action is necessary to protect human health or the environment, a regional board or a local agency taking, or contracting for, corrective action pursuant to Section 25299.36 shall, before commencing the corrective action, take both of the following actions:

(1) The regional board or local agency shall notify the board of the planned corrective action. If an owner or operator is taking the corrective action in accordance with Section 25299.37, the regional board or local agency shall not initiate a corrective action pursuant to this chapter.

(2) If an owner or operator is not taking or has not taken the action specified in paragraph (1), the regional board or local agency shall submit the estimated cost of the corrective action to the board, which shall approve or disapprove the reasonableness of the cost estimate. The regional board or local agency shall obtain approval of the corrective action and the cost estimate before taking, or contracting for, any corrective action. Notwithstanding any provision of law, the regional board may enter into oral contracts for this work, and the contracts, whether written or oral, may include provisions for equipment rental and in addition the furnishing of labor and materials necessary to accomplish the work. These contracts are exempt from approval by the Department of General Services pursuant to Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code.

(b) If the board approves the request of the regional board or local agency made pursuant to paragraph (2) of subdivision (a), the board shall, after making the determination specified in subdivision (c), reimburse the regional board or local agency or shall guarantee payment of the costs of corrective action performed by a qualified contractor

(c) The board shall not reimburse the regional board or local agency or guarantee payment pursuant to subdivision (b) unless the board determines that the owner or operator of the underground tank has failed or refused to comply with a final order for corrective action issued pursuant to Section 25299.37 with respect to the unauthorized release of petroleum from the underground storage tank.

(d) Upon reimbursing the regional board or local agency for payment of the costs incurred by the qualified contractor, the board shall recover these costs pursuant to Section 25299.60.

25299.54. (a) Except as provided in subdivisions (b), (c), and (d), an owner or operator, required to perform corrective action pursuant to Section 25299.36, or an owner or operator who, as of January 1, 1988, is required to perform corrective action, who has initiated this action in accordance with Division 7 (commencing with Section 13000) of the Water Code, who is undertaking corrective action in compliance with waste discharge requirements or other orders issued pursuant to Division 7 (commencing with Section 13000) of the Water Code, and who has not completed the action on

the effective date of the act adding this chapter, may apply to the board for satisfaction of a claim filed pursuant to this article.

(b) A person who has failed to comply with Article 3 (commencing with Section 25299.30) is ineligible to file a claim pursuant to this section.

(c) Any owner or operator of an underground storage tank containing petroleum is ineligible to file a claim pursuant to this section if the person meets both of the following conditions:

(1) The person knew, before January 1, 1988, of the unauthorized release of petroleum which is the subject of the claim.

(2) The person has not initiated any corrective action in accordance with Division 7 (commencing with Section 13000) of the Water Code concerning the release, or the person is not in compliance with waste discharge requirements or other orders issued pursuant to Division 7 (commencing with Section 13000) of the Water Code concerning the release.

(d) An owner or operator who violates Article 4 (commencing with Section 25299.36) is liable for any corrective action costs which result from the owner's or operator's violation of Article 4 (commencing with Section 25299.36) and is ineligible to file a claim pursuant to this section.

25299.55. The board shall prescribe appropriate forms and procedures for claims filed pursuant to Section 25299.54 which shall include, at a minimum, all of the following:

(a) A provision requiring the claimant to make a sworn verification of the claim to the best of the claimant's knowledge.

(b) A full description, supported by appropriate evidence from government agencies, of the unauthorized release of petroleum into the environment from an underground storage tank claimed to be the subject of the corrective action performed pursuant to Section 25299.36.

(c) Certification by the claimant of all costs incurred in undertaking corrective action.

25299.56. The board shall issue all decisions made on a claim filed pursuant to Section 25299.54 in writing, with notification to all appropriate parties, within 90 days after submission of the claim, unless all parties to the claim agree in writing to an extension of time. The decision of the board is a final agency action for the purposes of judicial review of the decision by any party to the proceedings resulting in the decision.

25299.57. (a) If the board makes the determination specified in subdivision (b), the board may only reimburse those costs of corrective actions which exceed the level of financial responsibility required to be obtained pursuant to Section 25299.32 but less than one million dollars (\$1,000,000) for each occurrence. In the case of an owner or operator who, as of January 1, 1988, was required to perform corrective action, who has initiated this action in accordance with Division 7 (commencing with Section 13000) of the Water Code who is undertaking corrective action in compliance with

waste discharge requirements or other orders issued pursuant to Division 7 (commencing with Section 13000) of the Water Code, and who has not completed the action on the effective date of the act adding this chapter, may apply to the board for satisfaction of a claim filed pursuant to this article.

(b) A claim specified in subdivision (a) may be paid if the board makes all of the following findings:

(1) There has been an unauthorized release of petroleum into the environment from an underground storage tank.

(2) The claimant is required to undertake or contract for corrective action pursuant to Section 25299.36, or, as of January 1, 1988, the claimant has initiated corrective action in accordance with Division 7 (commencing with Section 13000) of the Water Code.

(3) The claimant has complied with Section 25299.31 and the permit requirements of Chapter 6.7.

(4) The claimant has properly certified that the costs of corrective action are reasonable and necessary

(5) The claimant has paid the fees required pursuant to Article 5 (commencing with Section 25299.40).

25299.58. (a) Except as specified in subdivision (b), the procedures in Section 11513 of the Government Code apply to the proceedings conducted by the board pursuant to this article.

(b) Notwithstanding subdivision (a), Sections 801, 802, 803, 804, and 805 of the Evidence Code apply to the proceedings conducted by the board pursuant to this article.

(c) This article does not require any person to pursue a claim against the board pursuant to this article before seeking any other remedy.

(d) If the board has paid out of the fund for any costs of corrective action, the board shall not pay any other claim out of the fund for the same costs.

25299.59. (a) The board shall not pay any claims against or presented to the fund pursuant to this article if the claim exceeds the total money in the fund at any one time. The board shall pay these claims only when additional money is collected, appropriated, or otherwise added to the fund. If the total claims outstanding at any time exceed the current balance of the fund, the board shall pay these claims in full to the extent authorized pursuant to this article.

(b) Any claim filed against the fund pursuant to this article may be paid only out of the fund. This chapter does not authorize the payment by the state of any additional amount with respect to any claim out of any source other than the fund.

(c) Notwithstanding this article, the board shall not pay out any claims pursuant to this article to a claimant if the total amount paid to the claimant is greater than 5 percent of the total amount annually appropriated by the Legislature from the fund for purposes of paying claims pursuant to this article. For purposes of determining the total amount paid to a claimant for purposes of this section, the board shall include any payments made to any person or entity which has a

relationship with the claimant specified in subsection (b) of Section 267 of Title 26 of the United States Code.

Article 7. Cost Recovery, Enforcement, and Administration

25299.60. (a) Except as provided in Section 25299.61, any costs incurred and payable from the fund shall be recovered by the Attorney General, upon request of the board, from the owner or operator of the underground storage tank which released the petroleum and which is the subject of these costs.

(b) The liability of an owner or operator shall be the full and total costs specified in subdivision (a) if the owner or operator has not complied with the requirements of Article 3 (commencing with Section 25299.30) or Article 4 (commencing with Section 25299.36).

(c) The amount of costs determined pursuant to this section shall be recoverable in a civil action. This section does not deprive a party of any defense the party may have.

(d) Moneys recovered by the Attorney General pursuant to this section shall be deposited in the fund.

25299.62. Upon motion and sufficient showing by any party, the court shall join to the action any person who may be liable for costs or expenditures of the type recoverable pursuant to this article.

25299.63. The standard of liability for any costs of corrective action recoverable pursuant to this chapter is strict liability

25299.64. (a) No indemnification, hold harmless, conveyance, or similar agreement shall be effective to preclude any liability for costs recoverable under this article. This section does not bar any agreement to insure, hold harmless, or indemnify a party to the agreement for any costs under this chapter.

(b) The entry of judgment against any party to the action does not bar any future action by the fund against any person who is later discovered to be potentially liable for costs paid from the fund.

(c) Payment of any claim by the fund pursuant to this chapter shall be subject to the state acquiring by subrogation the rights of the claimant to recover those costs of corrective action for which it has compensated the claimant from the person responsible or liable for the unauthorized release

25299.65 (a) Except as provided in Sections 25299.60, 25299.62, and 25299.63, this chapter does not affect or modify the obligations or liability of any person under any other provision of state or federal law, including common law, for damages, injury, or loss resulting from an unauthorized release of petroleum or for corrective action or the costs of corrective action

(b) This chapter shall not be construed as authorizing recovery for costs of corrective action resulting from any release authorized or permitted pursuant to state or federal law.

25299.66 (a) Any person who violates any requirement of Article 3 (commencing with Section 25299.30) or Article 4 (commencing with Section 25299.36) is liable for a civil penalty of not

more than ten thousand dollars (\$10,000) for each underground storage tank for each day of violation.

(b) The state or a local agency may bring an action in superior court to impose the civil penalty specified in subdivision (a).

(c) The board or a regional board may impose the civil penalty specified in subdivision (a) pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 of Division 7 of the Water Code.

(d) In determining the amount of any liability imposed under this section, the superior court, the board, or the regional board shall take into account the nature, circumstances, extent, and gravity of the violation, and, with respect to the violator, the ability to pay, any prior history of violations, the degree of culpability, the economic benefits or savings, if any, resulting from the violations, and other matters as justice may require.

(e) Remedies under this section are in addition to, and do not supersede or limit, any other civil or criminal remedies, except that no civil penalties shall be recovered under this section for violations for which a civil penalty is recovered pursuant to Section 13268 or 13350 of the Water Code.

25299.67 The board shall adopt regulations to implement this chapter. In adopting these regulations, the board shall ensure that the regulations are consistent with this chapter, Chapter 6.7 (commencing with Section 25280), and the requirements for state programs implementing the federal act. When adopting regulations to implement this chapter, including the adoption of regulations establishing requirements for demonstrating financial responsibility pursuant to Article 3 (commencing with Section 25299.30), and establishing corrective action requirements pursuant to Article 4 (commencing with Section 25299.36), the board may adopt the regulations as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, and safety and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulation adopted by the board pursuant to this section shall be filed with, but not repealed by, the Office of Administrative Law, and shall remain in effect until revised by the board.

25299.68. (a) To carry out the purposes of this chapter, any authorized representative of the local agency, regional board, or board shall have the authority specified in Section 25185, with respect to any place where underground storage tanks are located, and in Section 25185.5, with respect to any real property which is within 2,000 feet of any place where underground storage tanks are located.

(b) An owner or operator shall furnish, under penalty of perjury,

any information on financial responsibility, unauthorized releases, or corrective action as the local agency, regional board, or board may require.

Article 8. Long-Term Study

25299.80. On or before January 1, 1993, the board, in consultation with the commissioner, shall prepare and submit to the Legislature a report containing, but not limited to, all of the following information:

(a) A summary of corrective action taken pursuant to this chapter.

(b) Summary data on claims paid out of the fund.

(c) An assessment of the availability of private insurance for coverage of unauthorized releases of petroleum from underground storage tanks

(d) Data on the ability of owners or operators of underground storage tanks to comply with alternative mechanisms for demonstrating financial responsibility, such as financial guarantees

(e) Summary data on the low-interest loan program established pursuant to Chapter 8.5 (commencing with Section 15399.10) of Part 6.7 of Division 3 of Title 2 of the Government Code for the repair or replacement of leaking underground storage tanks.

(f) Recommendations for a permanent program to further the intent of this chapter, including recommendations as to the use of the insurance fund to provide coverage for owners and operators of underground storage tanks for liability under federal law arising out of unauthorized releases of petroleum into the environment from these tanks.

Article 9. Sunset Provision

25299.81. (a) Except as provided in subdivisions (b) and (c), this chapter shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

(b) Notwithstanding subdivision (a), Article 1 (commencing with Section 25299.10), Article 2 (commencing with Section 25299.11), and Article 4 (commencing with Section 25299.36) shall not be repealed and shall remain in effect on January 1, 1998.

(c) The repeal of this chapter does not terminate any of the following rights, obligations, or authorities, or any provision necessary to carry out these rights and obligations:

(1) The filing and payment of claims against the fund, until the moneys in the fund are exhausted. Upon exhaustion of the fund, any remaining claims shall be invalid.

(2) The repayment of loans, outstanding as of January 1, 1998, due and payable to the board under the terms of Chapter 8.5 (commencing with Section 15399.10) of Part 6.7 of Division 3 of Title

2 of the Government Code.

(3) The resolution of any cost recovery action.

SEC. 6. Part 26 (commencing with Section 50101) is hereby added to Division 2 of the Revenue and Taxation Code, to read:

PART 26. UNDERGROUND STORAGE TANK MAINTENANCE FEE LAW

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

50101. This part shall be known and may be cited as the Underground Storage Tank Maintenance Fee Law.

50102. The collection and administration of the fee specified in Section 50108 shall be governed by the definitions contained in Chapter 6.75 (commencing with Section 25299.10) of Division 20 of the Health and Safety Code, unless expressly superseded by the definitions contained in this part.

50103. Except where the context otherwise requires, the definitions contained in this chapter govern the construction of this part.

50104. The provisions of this part, insofar as they are substantially the same as existing provisions of law relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

50105. Any action or proceeding commenced before this part takes effect, or any right accrued, is not affected by this part, but these actions or proceedings shall conform to this part as far as possible.

50106. "Board" means the State Board of Equalization.

50107. "Fee payer" means any person liable for the payment of a fee imposed by Section 25299.40 of the Health and Safety Code.

CHAPTER 2. THE UNDERGROUND STORAGE TANK FEE

Article 1 Imposition of Fee

50108. The fee imposed pursuant to Section 25299.40 of the Health and Safety Code shall be administered and collected by the board in accordance with this part.

CHAPTER 3. DETERMINATIONS

Article 1. Reports and Payments

50109. The board shall issue a notice of determination on or before January 31 of each year based on the information received from the State Water Resources Control Board pursuant to Section 25299.40 of the Health and Safety Code.

50110. The fees imposed pursuant to Section 25299.40 of the

Health and Safety Code are due and payable to the board on or before the last day of the second month following the notice of determination.

50111. If the fee is not paid to the board within the time prescribed for the payment of the fee, the board shall add a penalty of 25 percent of the amount of the fee due and payable.

50112. If the board finds that a person's failure to make a timely payment is due to reasonable cause and circumstances beyond the person's control, and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, the person may be relieved of the penalty specified in Section 50111.

Any person seeking to be relieved of the penalty shall file with the board a statement, under penalty of perjury, setting forth the facts upon which the person bases the claim for relief.

Article 2. Determinations

50113. The board shall give to the fee payer written notice of its determination. The notice shall be placed in a sealed envelope, with postage paid, addressed to the fee payer at the fee payer's address as it appears in the records of the board. The giving of the notice shall be deemed complete at the time of the deposit in a United States Post Office, or a mailbox, subpost office, substation, mail chute, or other facility regularly maintained or provided by the United States Postal Service, without extension of time for any reason. In lieu of mailing, the board may serve notice personally by delivering to the person to be served, and service shall be deemed complete at the time of delivery. The board may make personal service to a corporation by delivering a notice to any person designated in the Code of Civil Procedure to be served for the corporation with a summons and complaint in a civil action.

Article 3. Redeterminations

50114. Any person from whom an amount is determined to be due under Article 2 (commencing with Section 50113), or any person directly interested, may petition for a redetermination thereof on or before the date specified in Section 50110. If a petition for redetermination is not filed on or before the date specified in Section 50110, the amount determined to be due becomes final at the expiration of that date.

50115. Every petition for redetermination shall be in writing and shall state the specific grounds upon which the petition is founded. The petition may be amended to state additional grounds at any time prior to the date on which the board issues its order or decision on the petition for redetermination.

50116. If a petition for redetermination is filed within the period specified in Section 50114, the board shall reconsider the amount determined to be due, and, if the person has so requested in the

person's petition, the board shall grant the person an oral hearing and shall give the person 10 days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

50117. The board may decrease or increase the amount of the determination before it becomes final, but the amount may be increased only if a claim for the increase is asserted by the board at or before the hearing.

50118. The order or decision of the board upon a petition for redetermination shall become final 30 days after service upon the petitioner of the notice of the order or decision.

50119. All amounts determined to be due by the board under Article 2 (commencing with Section 50113) are due and payable at the time they become final, and, if not paid when due and payable, a penalty of 25 percent of the amount determined to be due shall be added to the amount due and payable.

50120. Any notice required by this article shall be served personally or by mail in the same manner as prescribed for service of notice by Section 50113.

CHAPTER 4. COLLECTION OF FEE

Article 1. Suit for Fee

50121. The board may bring any legal action necessary to collect any deficiency in the fee required to be paid, and, upon the board's request, the Attorney General shall bring the action.

50122. In any action brought to enforce the rights of the state with respect to any fee, a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the fee, of the delinquency of the amount of fee and penalty set forth in the certificate, and of compliance by the board with this part in relation to the computation and levy of the fee. In that action, a writ of attachment may be issued in the manner provided by Chapter 5 (commencing with Section 485.010) of Title 6 5 of Part 2 of the Code of Civil Procedure.

Article 2 Judgment for Fee

50123. If any person fails to pay any amount imposed pursuant to this part at the time that it becomes due and payable, the amount, including penalties, together with any costs in addition to the amount, are a perfected and enforceable state tax lien which is subject to Chapter 14 (commencing with Section 7150) of Division 7 of Title 1 of the Government Code.

50124. (a) If the board determines that the amount of any fee and penalties are sufficiently secured by a lien on other property or that the release or subordination of the lien imposed under this article will not jeopardize the collection of the amount of the fee and

penalties, the board may at any time release all, or any portion of, the property subject to the lien from the lien or may subordinate the lien to other liens and encumbrances.

(b) If the board finds the liability represented by the lien imposed under this article is legally unenforceable, the board may release the lien.

(c) A certificate by the board that any property has been released from a lien or that the lien has been subordinated to other liens and encumbrances is conclusive evidence that the property has been released or that the lien has been subordinated, as provided in the certificate.

Article 3. Warrant for Collection

50125. At any time within three years after any person is delinquent in the payment of any amount required to be paid under this part, or the last recording or filing of a notice of state tax lien under Section 7171 of the Government Code, the board, or its authorized representative, may issue a warrant for the enforcement of any lien and for the collection of any amount required to be paid to the state under this part. The warrant shall be directed to any sheriff, marshal, or constable and has the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of, and sale pursuant to, a writ of execution.

50126. The board may pay or advance to the sheriff, marshal, or constable, the same fees, commissions, or expenses for services as are provided by law for similar services pursuant to a writ of execution. The board, and not the court, shall approve the fees for publication in a newspaper.

50127. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this part and may be collected from the person by the warrant or in any other manner provided in this part for the collection of the fee.

Article 4. Seizure and Sale

50128. Whenever any fee payer is delinquent in the payment of the fee, the board, or its authorized representative, may seize any property, real or personal, of the fee payer, and sell at public auction the property seized, or a sufficient portion of the property, to pay the fee due, together with any penalties imposed for the delinquency and all costs that have been incurred on account of the seizure and sale.

50129. The board shall give written notice of an intended sale pursuant to this article, and the time and place of the sale, shall be given to the delinquent fee payer and to all persons appearing of record to have an interest in the property, at least 10 days before the date set for the sale, by enclosing the notice in an envelope addressed

to the fee payer at the fee payer's last known residence or place of business in this state as it appears upon the records of the board, if any, and depositing it in the United States registered mail, postage prepaid. The notice shall also be published pursuant to Section 6062 of the Government Code in the county in which the property seized is to be sold. If there is no newspaper of general circulation in the county, the notice shall be posted in three public places in the county for the 10-day period. The notice shall contain a description of the property to be sold, a statement of the amount of the fees, penalties, and costs, the name of the fee payer, and the further statement that unless the fees, penalties, and costs are paid on or before the time fixed in the notice of the sale, the property, or so much of the property as may be necessary, will be sold in accordance with law and the notice.

50130 At a sale conducted pursuant to this article the board, or its authorized agent, shall sell the property, in accordance with all applicable provisions of law and the notice specified in Section 50129, and the board shall deliver to the purchaser a bill of sale for the personal property and a deed for any real property sold. The bill of sale or deed vests title in the purchaser. The unsold portion of any property seized may be left at the place of sale at the risk of the fee payer.

50131. If, after a sale conducted pursuant to this article, the money received exceeds the amount of all fees, penalties, and costs due the state from the fee payer, the board shall return the excess to the fee payer and obtain the fee payer's receipt. If any persons having an interest in or lien upon the property files with the board prior to the sale notice of the person's interest, the board shall withhold any excess pending a determination of the rights of the respective parties to the party by a court of competent jurisdiction. If the receipt of the fee payer is not available, the board shall deposit the excess moneys with the Treasurer, as trustee for the owner, subject to the order of the fee payer, and the fee payer's heirs, successors, or assigns.

Article 5. Miscellaneous

50132. If any determination has been made against a fee payer which remains unpaid, the board may, not later than three years after the payment becomes delinquent, or the last recording or filing of a notice of state tax lien under Section 7171 of the Government Code, give notice thereof, personally or by first-class mail, to all persons, including any officer or department of the state or any political subdivision or agency of the state, having in their possession or under their control any credits or other personal property belonging to the fee payer, or owing any debts to the fee payer. In the case of any state officer, department, or agency, the notice shall be given to the officer, department, or agency prior to the time it presents the claim of the delinquent fee payer to the Controller.

50133. After receiving the notice specified in Section 50132, the persons so notified shall not transfer or make any other disposition of the credits, other personal property, or debts in their possession or under their control at the time they receive the notice until the board consents to a transfer or disposition or until 60 days after the receipt of the notice, whichever occurs first.

50134. All persons notified pursuant to Section 50132 shall immediately, after receipt of the notice, advise the board of all credits, other personal property, or debts in their possession, under their control, or owing by them. If the notice seeks to prevent the transfer or other disposition of a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice, to be effective, shall state the amount and penalty due from the person and shall be delivered or mailed to the branch or office of the bank at which the deposit is carried or at which the credits or personal property are held. Notwithstanding any other provision of law, with respect to a deposit in a bank or other credits or personal property in the possession or under the control of a bank, the notice shall only be effective with respect to an amount not in excess of the amount and penalty due from the person.

50135. If, during the effective period of the notice to withhold, given pursuant to Section 50132, any person so notified makes any transfer or disposition of the property or debts required to be withheld, to the extent of the value of the property or the amount of the debts thus transferred or paid, the person is liable to the state for any indebtedness due under this part from the fee payer with respect to whose obligation the notice was given, if solely because of that transfer or disposition, the state is unable to recover the indebtedness of the person with respect to whose obligation the notice was given.

50136. The board may, by notice of levy, served personally or by first-class mail, require all persons having in their possession, or under their control, any credits or other personal property belonging to a fee payer or other person liable for any amount under this part to withhold from these credits or other personal property the amount of any fee or penalties due from the fee payer or other person, or the amount of any liability incurred under this part, and to transmit the amount withheld to the board at the time it may designate

In the case of a financial institution, to be effective, the notice shall state the amount due from the fee payer and shall be delivered or mailed to the branch office of the financial institution where the credits or other property are held, unless another branch or office is designated by the financial institution to receive the notice.

50137. The remedies of the state provided for in this chapter are cumulative, and no action taken by the board or by the Attorney General constitutes an election by the state or any of its officers to pursue any remedy to the exclusion of any other remedy for which provision is made in this part.

50138. (a) The amounts required to be paid by any person under this part, together with any penalties, shall be satisfied first in any of the following cases:

(1) Whenever the person is insolvent.

(2) Whenever the person makes a voluntary assignment of the person's assets.

(3) Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(4) Whenever the estate and effects of an absconding, concealed, or absent person required to pay any amount under this part are levied upon by process of law.

(b) This section does not give the state a preference over a lien or security interest which was recorded or perfected prior to the time when the state records or files its lien, as provided in Section 7171 of the Government Code.

(c) The preference given to the state by this section is subordinate to the preferences given to claims for personal services made pursuant to Sections 1204 and 1206 of the Code of Civil Procedure

CHAPTER 5. OVERPAYMENTS AND REFUNDS

Article 1 Claim for Refund

50139. If the board determines that any amount of fee or penalty has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of what was legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Control, the excess amount collected or paid shall be credited on any amounts then due from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or the person's successors, administrators, or executors.

However, in the case of a determination by the board that an amount of not more than fifty thousand dollars (\$50,000) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or the person's successors, administrators, or executors.

50140. (a) Except as provided in subdivision (b), the board shall not approve a refund three years after the due date of the payment for the period for which the overpayment was made, or, with respect to determinations made under Article 2 (commencing with Section 50113) of Chapter 3, within six months after the determinations have become final, whichever period expires later, unless a claim therefor is filed with the board within that period. The board shall not

approve a credit after the expiration of that period, unless a claim for credit is filed with the board within that period.

(b) Every claim for refund or credit shall be in writing and shall state the specific grounds upon which the claim is founded.

50141. The failure of a person to file a claim within the time prescribed in this article constitutes a waiver of all demands against the state on account of the overpayment.

50142. Within 30 days after disallowing any claim, in whole or in part, the board shall serve written notice of its action on the claimant pursuant to Section 50113.

Article 2. Suit for Refund

50143. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this state or against any office of the state to prevent or enjoin the collection of any fee sought to be collected.

50144. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally assessed or collected unless a claim for refund or credit has been filed in accordance with this chapter.

50145. Within 90 days after the mailing of the notice of the board's action upon a claim for refund or credit, the claimant may bring an action against the board, on the grounds set forth in the claim, in a court of competent jurisdiction in the County of Sacramento for the recovery of the whole, or any part of, the amount with respect to which the claim has been disallowed.

50146. If the board fails to mail a notice of action on a claim within six months after the claim is filed, the claimant may, prior to the mailing of notice by the board, consider the claim disallowed and may bring an action against the board on the grounds set forth in the claim for the recovery of the whole, or any part of, the amount claimed as an overpayment.

50147. A person's failure to bring suit or action within the time specified in this article constitutes a waiver of all demands against the state on account of any alleged overpayments.

50148. If a judgment made pursuant to Section 50145 is rendered for the plaintiff, the amount of the judgment shall first be credited on any fees due from the plaintiff, and the balance shall be refunded to the plaintiff.

50149. (a) A judgment made pursuant to Section 50145 shall not be rendered in favor of the plaintiff in any action brought against the board to recover any fee paid when the action is brought by or in the name of an assignee of the fee payer paying the tax or by any person other than the person who has paid the fee.

(b) For purposes of this section, "assignee" does not include a person who has acquired the business of the fee payer which gave rise to the fees and who is thereby a successor in interest to the fee payer.

Article 3 Recovery of Erroneous Refunds

50150. The Controller may recover any refund or part of a refund which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California, and the action shall be tried in the County of Sacramento unless the court, with the consent of the Attorney General, orders a change of place of trial. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals apply to the proceedings.

Article 4. Cancellations

50151. If any amount greater than fifty thousand dollars (\$50,000) has been illegally determined, the board shall certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount less than fifty thousand dollars (\$50,000) has been illegally determined, the board, without certifying this fact to the State Board of Control, shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 6. ADMINISTRATION

50152. The board shall enforce this part and may adopt, and enforce rules and regulations relating to the administration and enforcement of this part.

50153. The board may examine the books and records of any fee payer as it may determine to be necessary in carrying out this part.

50154 The board may employ accountants, auditors, investigators, and other expert and clerical assistance necessary to enforce its powers and perform its duties under this part.

50155. A certificate by the board or an employee of the board stating that a notice required by this part was given by mailing or personal service is prima facie evidence in any administrative or judicial proceeding of the fact and regularity of the mailing or personal service in accordance with any requirement of this part for the giving of a notice. Unless otherwise specifically required, any notice provided by this part to be mailed or served may be given either by mailing or by personal service in the manner provided for giving notice of a deficiency determination.

CHAPTER 7. DISPOSITION OF PROCEEDS

50157. All fees and penalties imposed, and all amounts of fees, required to be paid to the state pursuant to Section 50108 shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California. The board shall transmit the payments to the Treasurer to be deposited in the Underground Storage Tank Cleanup Fund in the General Fund.

50158. The money in the fund shall, upon order of the Controller, be drawn therefrom for refunds under this part.

CHAPTER 8. DISCLOSURE OF INFORMATION

50159. (a) The board shall provide any information obtained under this part to the State Water Resources Control Board, including any information regarding underground storage tanks containing petroleum.

(b) The State Water Resources Control Board and the board may utilize any information obtained pursuant to this part to develop data on underground storage tanks containing petroleum within the state. Notwithstanding Section 50161, the State Water Resources Control Board may make this underground storage tank data available to the public.

50160. A fee payer's successors, receivers, trustees, executors, administrators, assignees, or guarantors, if directly interested, may be given information regarding the determination of any unpaid fee or the amount of fees or penalties required to be collected or assessed.

50161. Except as provided in subdivision (b) of Section 50159, this chapter does not limit or increase public access to information on any aspect of petroleum contained in underground storage tanks made available pursuant to any other state or local law, regulation, or ordinance.

SEC. 7. The sum of ten million two hundred fifty thousand dollars (\$10,250,000) is hereby transferred from the Motor Vehicle Account in the State Transportation Fund as follows:

(a) The sum of seven million dollars (\$7,000,000), for deposit in the Underground Storage Tank Cleanup Fund, and appropriated therefrom, to the State Water Resources Control Board, as specified in Article 6 (commencing with Section 25299.50) of Chapter 6.75 of the Health and Safety Code.

(b) The sum of two hundred fifty thousand dollars (\$250,000), and appropriated therefrom, to the State Board of Equalization to pay for the administrative costs of collecting the fee pursuant to Section 25299.40 of the Health and Safety Code.

(c) The sum of three million dollars (\$3,000,000) to the Petroleum Underground Storage Tank Financing Account in the General Fund, and appropriated therefrom, to the Department of Commerce for the purposes specified in Chapter 8.5 (commencing with Section

15399.10) of Part 6.7 of Division 3 of Title 2 of the Government Code.

SEC. 8. Funds transferred pursuant to Section 7 of this act are a loan from the Motor Vehicle Account in the State Transportation Fund to the General Fund within the meaning of Section 6 of Article XIX of the California Constitution and shall be repaid to the Motor Vehicle Account with interest, at the pooled money investment rate, within one year of the effective date of the act adding this section from the revenues generated pursuant to Article 5 (commencing with Section 25299.40) of Chapter 6.75 of Division 20 of the Health and Safety Code, in accordance with subdivision (g) of Section 25299.51 of the Health and Safety Code.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provision of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 10. 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 assure the expeditious cleanup of leaking underground storage tanks located in the state containing petroleum, thereby protecting public health and safety and the environment, it is necessary that this act take effect immediately.

CHAPTER 1443

An act to add Section 5500.3 to the Labor Code, relating to workers' compensation

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

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

SECTION 1. The Legislature finds and declares that the use of inconsistent policies, procedures, and forms in local offices of the Workers' Compensation Appeals Board has caused unnecessary confusion and delay in the processing of cases, particularly in large urban areas where parties and their representatives frequently deal with several of the local offices. It is the intent of the Legislature in enacting this act to direct the Workers' Compensation Appeals Board and the Division of Industrial Accidents to eliminate the use of local office forms and procedures, and to establish a consistent policy concerning scheduling hearings to commence only in the mornings

or both in the mornings and the afternoons.

SEC 2. Section 5500.3 is added to the Labor Code, to read:

5500.3. The appeals board shall establish uniform court procedures, uniform forms, and uniform time of court settings for all offices of the appeals board. No local office of the appeals board or workers' compensation judge shall require forms or procedures other than as established by the appeals board

CHAPTER 1444

An act to add Sections 6001.5, 6205.1, and 6231.5 to the Public Utilities Code, relating to franchises

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. The Legislature finds and declares that the granting of franchises to construct facilities which are part of a pipeline system transmitting oil or products thereof is a matter of statewide concern. Pipelines transmitting oil or products thereof are product transportation facilities which differ fundamentally from the facilities of retail distribution utilities, and whose franchises pose unique issues requiring appropriate legislative treatment. It is therefore the intent of the Legislature, by the enactment of Sections 6001.5 and 6205.1 of the Public Utilities Code, to preempt the ordinance of any chartered municipality insofar as that ordinance governs the granting of franchises to construct facilities which are part of a system providing services outside the boundaries of the municipality.

It is further the intent of the Legislature that pipelines transmitting oil or products thereof pay to franchising municipalities an annual fee that fairly reflects the direct and indirect costs imposed on the municipalities by the presence of the pipeline, including, but not limited to, safety and emergency-response-related costs, and that fairly reflects the value of the space occupied by the pipeline. The Legislature declares that the schedule of fees contained in Section 6231.5 of the Public Utilities Code comports with this intent.

SEC. 2. Section 6001.5 is added to the Public Utilities Code, to read:

6001.5. (a) All franchises, licenses, permits, or other privileges granted to a public utility by any city, county, or city and county holding a freeholder's charter, to use, or to construct, or lay and use, under, along, across, or upon the public streets, ways, alleys, and places within the municipality, facilities which are part of a pipeline system transmitting oil or products thereof, shall be granted upon the terms and conditions provided in, and in accordance with, this

chapter or Chapter 2 (commencing with Section 6201).

(b) It is the intent of the Legislature, in enacting this section, to preempt the ordinance of any chartered municipality insofar as that ordinance governs the granting of franchises to construct facilities which are part of a pipeline system transmitting oil or other products thereof.

SEC. 3. Section 6205.1 is added to the Public Utilities Code, to read:

6205.1. (a) Notwithstanding Section 6205, all franchises, licenses, permits, or other privileges granted to a public utility by any city, county, or city and county holding a freeholder's charter containing provisions for the issuance of franchises, to use, or to construct or lay and use, under, along, across, or upon the public streets, ways, alleys, and places within the municipality, facilities which are part of a pipeline system transmitting oil or products thereof, shall be granted upon the terms and conditions provided in, and in accordance with, either this chapter or Chapter 1 (commencing with Section 6001).

(b) On and after January 1, 1990, the compensation to be paid for the franchises, licenses, permits, or other privileges granted by any city, county, or city and county, including those holding a freeholder's charter, shall be as provided in Section 6231.5.

(c) It is the intent of the Legislature, in enacting this section, to preempt the ordinance of any chartered municipality insofar as that ordinance governs the granting of franchises to construct facilities which are part of a pipeline system transmitting oil or products thereof.

SEC. 4. Section 6231.5 is added to the Public Utilities Code, to read:

6231.5. (a) An applicant for a franchise to build and operate a pipeline system transmitting oil or products thereof shall file with the legislative body of the municipality in which the franchise is desired an application stating all of the following:

(1) The name of the applicant.

(2) The purpose and term, whether definite or indeterminate, for which the franchise is desired.

(3) That the applicant, if granted the franchise, permit, license, or other privilege, will pay to the municipality an annual fee computed as follows:

The length of pipe expressed in feet located within the franchised area shall be multiplied by the applicable base rate, as adjusted pursuant to subdivision (d), in accordance with the following schedule:

Pipe size (internal diameter in inches)	Base rate per lineal foot
0—4	\$0.088
6	0.132
8	0.176
10	0.220
12	0.264
14	0.308
16	0.352
18	0.396
20	0.440
22	0.484
24	0.528
26	0.572
28	0.616
30	0.660

For pipelines with an internal diameter not listed above, the fees shall be in the same proportion to the fees of a 12-inch-diameter pipe as the diameter of the unlisted pipe is to 12 inches.

(b) The annual payment for each lineal foot of pipeline shall be computed and revised each calendar year as follows:

(1) The applicable base rate shall be multiplied by the Consumer Price Index for the area, as published by the United States Department of Labor, Office of Information for the month of September immediately preceding the month in which payment is due and payable, and divided by the Consumer Price Index for June 30, 1989, which is declared to be 100.0. Under no circumstances shall the multiplying factor be less than one.

(2) If the United States Department of Labor, Office of Information discontinues the preparation or publication of a Consumer Price Index for the area, and if no translation table prepared by the Department of Labor is available so as to make those statistics which are then available applicable to the index of June 30, 1989, the municipality shall prescribe a rate of payment which shall, in its judgment, vary from the rates specified in this section in approximate proportion as commodity consumer prices then current vary from commodity consumer prices current in December 1988. On this point, the determination by the municipality shall be final and conclusive.

(c) No fee paid to any municipality pursuant to a franchise, permit, license, or other privilege issued under an ordinance which is in effect on September 1, 1989, which exceeds the fee computed under this section shall be reduced. On or after January 1, 1990, a municipality may collect an additional amount which represents the percentage increase in the Consumer Price Index for the area during the preceding calendar year applied to that fee. The formula used in

arriving at that fee shall be applicable to any replacement, modification, or extension of the pipeline. Upon expiration of a franchise, permit, license, or other privilege, the municipality may renew or extend the franchise, permit, license, or other privilege, using the local formula contained in an ordinance which is in effect on September 1, 1989. However, the fee shall not exceed the greater of the fee actually paid on September 1, 1989, or the fee computed pursuant to this section.

(d) Notwithstanding any other provision of law, until January 1, 1990, a municipality which is involved in eminent domain proceedings in which a court order for possession has been issued relating to an easement for a pipeline system transmitting oil or products thereof may adopt an ordinance setting its fee without following the provisions of this section. Upon expiration of the ordinance, the municipality may renew or extend the franchise, license, permit, or other privilege, utilizing the local formula in effect on January 1, 1990, or the fee computed pursuant to this section, whichever is greater.

(e) Notwithstanding any other provision of this section, if the application is for a franchise for a nonpublic utility pipeline for industrial gas or oil or products thereof, the application shall state that the applicant, if granted the franchise, will pay to the municipality during the life of the franchise either of the following:

(1) A specified percentage agreed to by the applicant and the municipality of the gross annual receipts of the applicant arising from the use, operation, or possession of the franchise.

(2) An annual franchise fee in an amount agreed to by the applicant and the municipality, or an annual franchise fee computed by multiplying the sum of one-half of the nominal internal diameter of the pipe, expressed in inches, by the number of lineal feet of the pipe within the public streets, ways, alleys, or other public places within the municipality.

(f) Any nonpublic utility pipeline system transmitting oil or products thereof covered by subdivision (e) on December 31, 1989, that converts to public utility status shall continue to pay the fee established pursuant to subdivision (e) for the remaining term of its franchise, license, permit, or other privilege. Upon expiration of its franchise, license, permit, or other privilege, a nonpublic utility pipeline system transmitting oil or products thereof that has converted or seeks to convert to public utility status shall establish to the satisfaction of the franchising authority all of the following:

(1) Its property is dedicated to the service of the public.

(2) Its rates for transportation are established pursuant to tariffs filed with the Public Utilities Commission

(3) Its accounts and records are established pursuant to rules and regulations adopted by the commission

(4) It has filed an appropriate annual report with the commission.

(5) Its rates for transportation are just, reasonable, and nondiscriminatory, as evidenced either by an order of the

commission approving those rates, or an application for approval of its rates that is pending with the commission.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

Moreover, no reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for other costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law for those other costs.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1445

An act to amend Sections 13327 and 13350 of the Water Code, relating to water quality.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. Section 13327 of the Water Code is amended to read:

13327. In determining the amount of civil liability, the regional board, and the state board upon review of any order pursuant to Section 13324, shall take into consideration the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require.

SEC. 2. Section 13350 of the Water Code is amended to read:

13350. (a) Any person who (1) intentionally or negligently violates any cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of any waste discharge requirement

or other order or prohibition issued, reissued, or amended by a regional board or the state board, intentionally or negligently discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state and creates a condition of pollution or nuisance, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other provisions of this division, may be liable civilly in accordance with subdivision (d), (e), or (f).

(b) Any person who, without regard to intent or negligence, causes or permits any hazardous substance to be discharged in or on any of the waters of the state where it creates a condition of pollution or nuisance, except in accordance with waste discharge requirements or other provisions of this division, shall be strictly liable civilly in accordance with subdivision (d), (e), or (f).

For purposes of this subdivision, the term "discharge" includes only those discharges for which Section 13260 directs that a report of waste discharge shall be filed with the regional board.

For purposes of this subdivision, the term "discharge" does not include any emission excluded from the applicability of Section 311 of the Clean Water Act (33 U.S.C. Section 1251 et seq.) pursuant to Environmental Protection Agency regulations interpreting Section 311(a) (2) of the Clean Water Act.

(c) There shall be no liability under subdivision (b) if the discharge is caused solely by any one or combination of the following:

(1) An act of war.

(2) An unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(3) Negligence on the part of the state, the United States, or any department or agency thereof; provided, that this paragraph shall not be interpreted to provide the state, the United States, or any department or agency thereof a defense to liability for any discharge caused by its own negligence.

(4) An intentional act of a third party, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(5) Any other circumstance or event which causes the discharge despite the exercise of every reasonable precaution to prevent or mitigate the discharge.

(d) When there is a discharge, and a cleanup and abatement order is issued pursuant to Section 13304, liability shall be imposed as follows:

(1) Civil liability may be administratively imposed by a regional board pursuant to Article 2.5 (commencing with Section 13323) for a violation of this section in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than five hundred dollars (\$500), for each day in which the discharge occurs and for

each day the cleanup and abatement order is violated.

(2) Civil liability may be imposed by the superior court in accordance with this article and Article 6 (commencing with Section 13360) for a violation of this section in an amount which shall not exceed fifteen thousand dollars (\$15,000) for each day in which the discharge occurs and for each day the cleanup and abatement order is violated.

(e) When there is a discharge, and a cleanup and abatement order is not issued pursuant to Section 13304, liability shall be imposed as follows:

(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) for a violation of this section in an amount which shall not exceed ten dollars (\$10) for each gallon of waste discharged.

(2) Civil liability may be imposed by the superior court in accordance with this article and Article 6 (commencing with Section 13360) for a violation of this section in an amount which shall not exceed twenty dollars (\$20) for each gallon of waste discharged.

(f) When there is no discharge, but an order issued by the regional board is violated, liability shall be imposed as follows:

(1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) for a violation of this section in an amount which shall not exceed one thousand dollars (\$1,000), but shall not be less than one hundred dollars (\$100), for each day in which the violation occurs.

(2) Civil liability may be imposed by the superior court in accordance with this article and Article 6 (commencing with Section 13360) for a violation of this section in an amount which shall not exceed ten thousand dollars (\$10,000) for each day in which the violation occurs.

(g) A regional board shall not administratively impose civil liability in accordance with subdivision (d), (e), or (f) in an amount less than the minimum amount specified, unless the regional board makes express findings setting forth the reasons for its action based on the specific factors required to be considered pursuant to Section 13327.

(h) The Attorney General, upon request of a regional board or the state board, shall petition the superior court to impose, assess, and recover such sums. Except in the case of a violation of a cease and desist order, a regional board or the state board shall make such request only after a hearing, with due notice of the hearing given to all affected persons. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the discharger.

(i) The provisions of Article 3 (commencing with Section 13330) and Article 6 (commencing with Section 13360) of this chapter shall

apply to proceedings to impose, assess, and recover an amount pursuant to this article

(j) Any person who pays any liability established under this section shall be entitled to contribution for such liability from any third party, in an action in the superior court and upon proof that the discharge was caused in whole or in part by an act or omission of the third party, to the extent that the discharge is caused by the act or omission of the third party, in accordance with the principles of comparative fault.

(k) Remedies under this section are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal; provided that no liability shall be recoverable under subdivision (b) for any discharge for which liability is recovered under Section 13385

(l) The state board shall submit an annual report to the Legislature which shall be available to the public, list all instances in which civil liability has been administratively imposed by a regional board in accordance with subdivision (d), (e), or (f) during the preceding year, and set forth the express findings made by the regional board pursuant to subdivision (g), and indicate the maximum amount of liability which could have been imposed and the amount actually imposed in each instance.

CHAPTER 1446

An act to amend Sections 14148 6 and 14154 of, and to add Section 14154 15 to, the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. The Legislature finds and declares as follows:

(a) As a result of Chapters 980 and 1441 of the Statutes of 1988, large numbers of women who were previously served under other programs will be required to apply for Medi-Cal in order to receive perinatal services, and new groups of women also have become eligible.

(b) The current procedure which requires pregnant women to go to a local welfare department for determination of Medi-Cal eligibility operates as a deterrent to their applying for perinatal services, in many cases. Many women, who would otherwise apply later, or not until after delivery, would obtain services earlier if their eligibility could be determined in the environment where they regularly receive perinatal or other care.

(c) In order to maximize early perinatal care for these Medi-Cal

eligible expectant mothers, the Legislature encourages county welfare departments to enter into cooperative agreements with providers and the State Department of Health Services to allow eligibility processing at alternative sites.

SEC. 2. It is the intent of the Legislature, in enacting this act, to encourage the placement of eligibility workers at alternative sites, especially perinatal clinics, to enroll qualified pregnant women in the Medi-Cal program. It is not the Legislature's intent to affect existing law with respect to currently outstationed eligibility workers in other types of facilities. It is further the intent of the Legislature to permit an augmentation of the county cost control plan to encourage county welfare departments to submit plans for outstationing eligibility workers in alternative sites to serve pregnant women.

SEC. 3. Section 14154 of the Welfare and Institutions Code is amended to read:

14154. The department shall establish and maintain a plan whereby costs for county administration of the determination of eligibility for benefits under this chapter will be effectively controlled within the amounts annually appropriated for that administration. The plan, to be known as the County Administrative Cost Control Plan, shall establish standards and performance criteria, including workload, productivity and support services standards, to which counties shall adhere. The plan shall include standards for controlling eligibility determination costs which are incurred by performing eligibility determinations at county hospitals, or which are incurred due to the outstationing of any other eligibility function. Except as provided in Section 14154.15, reimbursement to a county for outstationed eligibility functions shall be based solely on productivity standards applied to that county's welfare department office. The plan shall be part of a single state plan, jointly developed by the department and the State Department of Social Services, in conjunction with the counties, for administrative cost control for the Aid to Families with Dependent Children (AFDC), Food Stamp, and Medical Assistance (Medi-Cal) programs. Allocations shall be made to each county and shall be limited by and determined based upon the County Administrative Cost Control Plan. In administering the plan to control county administrative costs, the department shall not allocate state funds to cover county cost overruns which result from county failure to meet requirements of the plan. The department and the State Department of Social Services shall budget, administer and allocate state funds for county administration in a uniform and consistent manner.

Nothing in the provisions of this section, Section 15204.5, or Section 18906 shall be construed so as to limit the administrative or budgetary responsibilities of the department in a manner which would violate Section 14100.1, and thereby jeopardize federal financial participation under the Medi-Cal program.

SEC. 4. Section 14148.6 is added to the Welfare and Institutions

Code, to read:

14148.6. The department shall engage in outreach activities in order to enhance participation in and access to perinatal services.

SEC. 5. Section 14154.15 is added to the Welfare and Institutions Code, to read:

14154.15. (a) Any county may petition the department for an augmentation of its County Administrative Cost Control Plan in order to implement a plan for the outstationing of one or more eligibility workers at alternative sites in order to facilitate receipt and processing of applications for Medi-Cal eligibility for pregnant women. In order to participate pursuant to this section, a county welfare department shall petition under this section in accordance with guidelines established by the department. The petition shall include, but not be limited to, information about the need for outstation workers at alternative sites and the language skills needed by the outstation workers.

(b) In reviewing a petition from a county for an augmentation of its County Administrative Cost Control Plan for outstationing purposes, the department shall take into account the likely success rate of applications processed by the proposed outstationed eligibility workers, the amount of travel and training time required to implement and continue the outstationing plan, and other productivity factors associated with the outstationing plan.

(c) The department may approve those proposed augmentations which, based on its review of the outstationing plan, offer potential to increase eligibility determinations and access to Medi-Cal perinatal services by pregnant women. The department shall review the approved plan annually to determine if the plan shall be renewed, altered, discontinued, or incorporated into the county administrative funding base.

(d) In addition to any augmentations authorized by this section, the department may, at its discretion, advance administrative funding to a county welfare department for which it approves a augmentation of its County Administrative Cost Control Plan, to cover the initial incremental costs of outstationed eligibility workers under this section.

(e) The department shall conduct a one-time outreach plan to educate county welfare directors, county health officers, and county elected officials on the opportunities and advantages of outstationing Medi-Cal eligibility workers to facilitate access by pregnant women to Medi-Cal perinatal services.

SEC. 6. The sum of one million dollars (\$1,000,000) appropriated by Item 4260-111-001 of Chapter 93 of the Statutes of 1989 is reappropriated in augmentation of Item 4260-101-001 of category (b) of Chapter 93 of the Statutes of 1989. Any of these funds which are unencumbered at the end of the 1989-90 fiscal year shall be available for reappropriation in the 1990-91 fiscal year.

SEC. 7. (a) In order to improve access to prenatal care for women who are eligible for Medi-Cal benefits, the State Department

of Health Services shall consider the development of options for simplification of the Medi-Cal application process.

(b) The department shall identify changes in the Medi-Cal application form which would improve the applicant's comprehension of the form and which would facilitate the applicant's completion of the form and shall consider all of the following:

(1) Reducing the extent and kind of property or income, or both, to be considered in determining eligibility.

(2) Adopting a system for documentation of property or income, or both, which applies after-the-fact verification through independent verification systems.

(3) Providing incentives to counties to reduce and streamline the amount of documentation of income and resources required to be provided to applicants.

(4) Simplifying or reformatting the application form.

SEC. 8. 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 that the State Department of Health Services may start authorizing Medi-Cal eligibility workers at alternative sites quickly to ensure that low-income pregnant women receive proper prenatal care, it is necessary that this act take effect immediately.

CHAPTER 1447

An act to amend Section 6375 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. Section 6375 of the Revenue and Taxation Code is amended to read:

6375. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this state of, tangible personal property made, prepared, assembled, or manufactured by organizations formed and operated for charitable purposes qualifying for the exemption provided by Section 214 known as the "welfare exemption," which are engaged in the relief of poverty and distress, and make the sales and donations as a matter of assistance to the purchasers and donees.

SEC. 2. Notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made by this act, and the state shall not reimburse any local agency for any sales and use tax

revenues lost by it under this act.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of this act shall become operative on the first day of the first calendar quarter commencing more than 90 days after the effective date of this act.

CHAPTER 1448

An act to add Section 31673.1 to, and to add and repeal Section 31537 of, the Government Code, relating to public retirement systems, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1 Section 31537 is added to the Government Code, to read.

31537 (a) It is the intent of the Legislature, in enacting this section and Section 31673.1, to ensure that each member of a county retirement system affected by the limits contained in Section 415 of the Internal Revenue Code be provided a retirement benefit commensurate, to the extent deemed reasonable, with the services rendered without violating the intent and purposes of Section 415 of the Internal Revenue Code. However, time restraints prohibit a thorough analysis, by the end of the 1989 legislative year, of the retirement benefits which would be affected by the limits contained in Section 415 of the Internal Revenue Code.

(b) Each board is requested to assist the Public Employees' Retirement System in its report to the Legislature, as required by Section 20123.5. Each board is encouraged to ascertain, to the extent possible and in conjunction with its actuarial evaluation which is required by Section 31453 or any annual evaluation conducted pursuant to board policy, the impact that Section 415 of the Internal Revenue Code will have on the future membership of each county retirement system, and also to identify for the Legislature any changes in the benefits, including cost-of-living adjustments, that may be necessary to ensure that all future members receive benefits that in total, will be as close as possible to the actuarial value of the benefits that the member would have been entitled to had the federal limits not been in place. However, in no instance, shall the recommended benefits exceed the limitations set forth in Section 415 of the Internal Revenue Code.

(c) It is the intent of the Legislature in authorizing these studies, that to the extent deemed reasonable, the cost to the employer for

any recommended alternative benefit plans shall be equivalent to the cost of the benefits in effect prior to January 1, 1990.

(d) This section shall not apply in a county of the first class as defined by Section 28020, as amended by Chapter 1204 of the Statutes of 1971, and Section 28022, as amended by Chapter 43 of the Statutes of 1961.

(e) This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 1991, deletes or extends that date.

SEC. 2. Section 31673.1 is added to the Government Code, to read:

31673.1. (a) Notwithstanding any other provision of law, the retirement rights conferred by this chapter upon any person who for the first time becomes a member on or after January 1, 1990, shall be subject to, and such a person shall not have any retirement right or benefit which exceeds, and no retirement right or benefit under this chapter shall accrue to or vest in such a person which exceeds, the limitations in the Internal Revenue Code upon public retirement systems.

(b) Each retirement board shall provide to each employer a notice of the content and effect of subdivision (a) for distribution, prior to employment, to each person who may become a member and to each person who for the first time becomes a member on or after January 1, 1990

(c) It is the intent of the Legislature to enact legislation during 1990, that would exempt all members of a county retirement system who joined the system prior to January 1, 1990, from the Section 415 limits as permitted by the "grandfather" provision contained in the Technical and Miscellaneous Revenue Act of 1988 (P.L. 100-674). This subdivision shall become inoperative on January 1, 1992

(d) This section shall not apply in a county of the first class as defined by Section 28020, as amended by Chapter 1204 of the Statutes of 1971, and Section 28022, as amended by Chapter 43 of the Statutes of 1961.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 4. 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 that the research necessary to determine the nature and extent of the effects of changes in provisions of the Internal Revenue Code relating to limitations upon public retirement systems, upon benefits payable by county retirement systems under the County Employees Retirement Law of 1937 may be commenced at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1449

An act to amend Sections 54710, 54711, 54716, and 54717 of, and to add Sections 54703.5 and 54708 to, the Government Code, relating to public improvements.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

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

SECTION 1. Section 54703.5 is added to the Government Code, to read:

54703.5. An assessment levied pursuant to this chapter is not subject to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800) of the Streets and Highways Code).

SEC. 2. Section 54708 is added to the Government Code, to read:

54708. As used in this chapter, "service" includes the cost of maintaining any facility used to provide any service.

SEC. 3. Section 54710 of the Government Code is amended to read:

54710. (a) Any local agency which is authorized by law to provide one or more of the following services may impose a benefit assessment pursuant to this chapter to finance the maintenance and operation costs of these services:

- (1) Drainage.
- (2) Flood control.
- (3) Street lighting.

(b) Any local agency which is authorized by law to maintain streets, roads, or highways may impose a benefit assessment pursuant to this chapter to pay for the maintenance of those streets, roads, or highways.

SEC. 4. Section 54711 of the Government Code is amended to read:

54711. (a) No benefit assessment shall be levied pursuant to this chapter unless it meets all of the following requirements:

(1) The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be

derived from the provision of the service. Except as provided in subdivision (d) or (e) of Section 54715, in the case of a benefit assessment for flood control services, the benefit may be determined on the basis of the proportionate storm water runoff from each parcel. In the case of an assessment for the maintenance of streets, roads, or highways, the benefit may be in proportion to the estimated traffic volume to be generated by each parcel assessed, or any other reasonable basis as determined by the legislative body.

(2) The annual aggregate amount of the assessment shall not exceed the estimated annual cost of providing the service.

(3) The revenue derived from the assessment shall not be used to pay the cost of any service other than the service for which the assessment was levied.

(b) This section does not limit or prohibit the levy or collection of any other fee, charge, or tax for the provision of services, except that a maintenance district formed pursuant to Chapter 7 (commencing with Section 1550) of Division 2 of the Streets and Highways Code may impose an assessment pursuant to this chapter only as an alternative to imposing a property tax for the provision of street lighting services.

SEC. 4.5. Section 54716 of the Government Code is amended to read:

54716. (a) For the first fiscal year in which a benefit assessment is proposed to be imposed pursuant to this chapter, the legislative body shall cause a written report to be prepared and filed with the clerk of the local agency which shall contain all of the following information:

(1) A description of the service proposed to be financed through the revenue derived from the assessment.

(2) A description of each lot or parcel of property proposed to be subject to the benefit assessment. The assessor's parcel number shall be a sufficient description of the parcel.

(3) The amount of the proposed assessment for each parcel.

(4) The basis and schedule of the assessment.

(b) The clerk shall cause notice of the filing of the report and of a time, date, and place of hearing thereon to be published pursuant to Section 6066 and posted in at least three public places within the jurisdiction of the local agency.

(c) With respect to any assessment proposed to be levied pursuant to subdivision (b) of Section 54710, at least 20 days before the date set for hearing of protests, the clerk shall mail, postage prepaid, copies of a notice of the proposed assessment and the time, date, and place of the hearing thereon, to all persons whose names and addresses appear on the last equalized assessment roll for city taxes or who are known to the clerk. The failure of the clerk to mail the notice to any property owner or the failure of any property owner to receive the notice shall not affect the validity of any proceedings taken under this chapter. If property assessed by the state under Section 19 of Article XIII of the California Constitution is proposed

to be assessed, the notice shall be mailed to every owner of the property to be assessed at the address thereof shown on the last State Board of Equalization roll transmitted to the county auditor.

(d) At the hearing, the legislative body shall hear and consider all protests. At the conclusion of the hearing, the legislative body may adopt, revise, change, reduce, or modify the proposed assessment. The legislative body shall make a determination upon the assessment as described in the report or as determined at the hearing, and shall, by ordinance or resolution, determine the proposed assessment.

SEC. 5. Section 54717 of the Government Code is amended to read.

54717. (a) Except as provided in subdivision (b), the proposition shall be submitted to the eligible voters within the jurisdiction of the affected local agency, zone, or area of benefit established by the local agency, and shall take effect upon approval by a majority vote of the voters voting on the proposition. If 12 or more registered voters reside within the affected local agency, zone, or area of benefit at the close of the hearing required by Section 54716, and for at least the preceding 90 days, the vote shall be by the registered voters with each voter having one vote. Otherwise, the vote shall be by the landowners with each landowner having one vote for each acre of land or portion of an acre of land that he or she owns within the area. The proposal may take effect without a vote if there are less than 12 registered voters and a petition or other written consent to the levy of the assessment, executed by the owners of at least 60 percent in area of lands within the area of benefit established by the local agency, is filed with the legislative body during the hearing. "Landowner" or "owner of land" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of the land by the legislative body. The legislative body has no obligation to obtain other information as to the ownership of the land, and its determination of ownership shall be final and conclusive for the purposes of this provision. Ballots for a special election for this purpose may be distributed to qualified electors by mail with return postage prepaid.

(b) In the case of a proposition to levy an assessment for maintenance of streets, roads, or highways, the proposition shall be submitted to the voters pursuant to subdivision (a) if written protests to the levy of the assessment are received by the clerk of the agency at or before the hearing held pursuant to Section 54715 from not less than 25 percent of the registered voters residing within the agency, area, or zone of benefit within which the proposed assessment is proposed to be levied.

(c) The legislative body may annually thereafter determine the cost of the service which is financed by the assessment and, by ordinance or resolution, determine and impose the assessment.

CHAPTER 1450

An act to amend Sections 116.6, 117.14, and 117.18 of the Code of Civil Procedure, relating to courts.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. The Legislature finds and declares that:

(a) The small claims advisor program was created in 1981 to provide counseling and information services to those who use the state's small claims courts.

(b) Numerous counties in California are not providing adequate services to persons using small claims courts as required by the 1981 legislation.

(c) Increases in the jurisdictional limit of the state's small claims courts since 1981 necessitate a corresponding commitment to basic advisory services.

Therefore, it is the intent of this bill to ensure that the portion of the filing fee which is allocated to funding the small claims advisor program is sufficient to guarantee that the requisite level of service is provided in all counties.

SEC 15 Section 116.6 of the Code of Civil Procedure is amended to read:

116.6. Venue in such actions shall be the same as for civil actions filed in justice or municipal court. In all cases, including those in which the defendant who does not appear at the hearing, the small claims court shall inquire of the parties facts sufficient to determine whether venue is proper, and shall make its determination accordingly. A defendant who wishes to challenge venue may do so by writing to the court and without personally appearing at the hearing. If the court determines that the action has not commenced in the proper venue, the court, on its own motion, shall dismiss the action without prejudice unless all defendants are present and agree that the action may be heard.

SEC. 2. Section 117.14 of the Code of Civil Procedure is amended to read:

117.14. (a) A fee of eight dollars (\$8) shall be charged and collected for the filing of a claim under oath if the number of claims filed by the party in each court in the preceding 12 calendar months is 12 or less; and a fee of sixteen dollars (\$16) shall be collected for the filing of any additional claims. For each party to whom a copy of the claim is mailed by the clerk a fee to cover the actual cost of mail service adjusted upward to the nearest dollar shall be charged and collected. Fees as provided in Sections 26828 and 26834 of the Government Code shall be charged and collected by the clerk for the issuance of a writ of execution or an abstract of judgment. Except as

otherwise provided for in this chapter, no other fee or charge shall be collected by any officer for any service rendered under this chapter, or for the taking of affidavits for use in connection with any action commenced under this chapter. All fees collected under this section shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist.

(b) The number of claims filed by a party during the preceding 12 calendar months shall be determined pursuant to a declaration made by the party under penalty of perjury stating the number of claims so filed and submitted to the clerk with the current claim.

(c) Six dollars (\$6) of each eight dollar (\$8) fee and fourteen dollars (\$14) of each sixteen dollar (\$16) fee charged and collected pursuant to subdivision (a) shall be deposited by each county in a special account. Of the money deposited in this account:

(1) In counties with a population of less than 4,000,000, a minimum of 50 percent shall be used to fund the small claims advisor program as set forth in Section 117.18. The remainder of these funds shall be used for court and court-related programs. Records of these moneys shall be available for inspection by the public on request.

(2) In counties with a population of at least 4,000,000, five hundred thousand dollars (\$500,000) shall be used to fund the small claims advisor program as set forth in Section 117.18. That amount shall be increased each fiscal year by an amount equal to the percentage increase in revenues derived from small claims court filing fees over the prior fiscal year. The remainder of these funds shall be used for court and court-related programs. Records of these moneys shall be available for inspection by the public on request.

(d) The provisions of this section and Section 117.18 shall not be applied in any manner that results in a reduction of the level of service or the amount of funds allocated to providing the services set forth in Section 117.18 that are in existence in each county during the fiscal year 1989-90. Furthermore, nothing in this section shall preclude the county from negotiating for other funding sources, including state court block grants, to comply with the requirements of Section 117.18.

SEC. 2.5. Section 117.14 of the Code of Civil Procedure is amended to read:

117.14. (a) A fee of eight dollars (\$8) shall be charged and collected for the filing of a claim under oath if the number of claims filed by the party in each court in the preceding 12 calendar months is 12 or less; and a fee of eighteen dollars (\$18) shall be collected for the filing of any additional claims. For each party to whom a copy of the claim is mailed by the clerk a fee to cover the actual cost of mail service adjusted upward to the nearest dollar shall be charged and collected. Fees as provided in Sections 26828 and 26834 of the Government Code shall be charged and collected by the clerk for the issuance of a writ of execution or an abstract of judgment. Except as otherwise provided for in this chapter, no other fee or charge shall be collected by any officer for any service rendered under this

chapter, or for the taking of affidavits for use in connection with any action commenced under this chapter. All fees collected under this section shall be deposited with the treasurer of the city and county or county under whose jurisdiction any such court shall exist. However, two dollars (\$2) of each eighteen dollars (\$18) filing fee paid shall be deposited with the trustees of the county law library, to be used by the county law library exclusively for the acquisition and maintenance of legal materials and reference assistance for small claims litigants and potential small claims litigants. The administrative costs of the prescribed separate accounting of funds for deposit to the trustees of the county law library that are incurred by a county or city and county may be deducted from fee receipts prior to crediting the accounts under the control of the trustees of the county law library.

(b) The number of claims filed by a party during the preceding 12 calendar months shall be determined pursuant to a declaration made by the party under penalty of perjury stating the number of claims so filed and submitted to the clerk with the current claim.

(c) Six dollars (\$6) of each eight dollar (\$8) fee and fourteen dollars (\$14) of each eighteen dollar (\$18) fee charged and collected pursuant to subdivision (a) shall be deposited by each county in a special account. Of the money deposited in this account:

(1) In counties with a population of less than 4,000,000, a minimum of 50 percent shall be used to fund the small claims advisor program as set forth in Section 117.18. The remainder of these funds shall be used for court and court-related programs. Records of these moneys shall be available for inspection by the public on request.

(2) In counties with a population of at least 4,000,000, five hundred thousand dollars (\$500,000) shall be used to fund the small claims advisor program as set forth in Section 117.18. That amount shall be increased each fiscal year by an amount equal to the percentage increase in revenues derived from small claims court filing fees over the prior fiscal year. The remainder of these funds shall be used for court and court-related programs. Records of these moneys shall be available for inspection by the public on request.

(d) The provisions of this section and Section 117.18 shall not be applied in any manner that results in a reduction of the level of service or the amount of funds allocated to providing the services set forth in Section 117.18 that are in existence in each county during the fiscal year 1989-90. Furthermore, nothing in this section shall preclude the county from negotiating for other funding sources, including state court block grants, to comply with the requirements of Section 117.18.

SEC. 3. Section 117.18 of the Code of Civil Procedure is amended to read:

117.18. (a) In each county, individual assistance shall be made available to advise small claims court litigants and potential litigants at no additional charge. Except as otherwise provided in this section or in rules adopted by the Judicial Council, each county may

determine the characteristics of the advisory service in accordance with local needs and conditions. Individual personal advisory services shall be provided in person or by telephone, and by any other means reasonably calculated to provide timely and appropriate assistance. Recorded telephone messages may be used to supplement the individual personal advisory services, but shall not be the sole means of advice available in the county.

(b) In any county in which the number of small claims actions filed annually is 1,000 or less as averaged over the immediately preceding two fiscal years, the county may elect to exempt itself from the requirements set forth in subdivision (a). This exemption shall be formally noticed through the adoption of a resolution by the board of supervisors. If a county so exempts itself, that county must nevertheless provide minimum advisory services in accordance with rules adopted by the Judicial Council as follows:

(1) Recorded telephone messages providing general information relating to small claims actions filed in the county must be provided during regular business hours.

(2) Small claims information booklets shall be provided in each municipal and justice court clerk's office, the county administrator's office and other county offices as appropriate, and any other location that is convenient to the claimants in the county.

(c) Adjacent counties may provide advisory services jointly. The service shall operate in conjunction and cooperation with the small claims divisions of the courts, and shall be administered in such a manner that avoids the existence or appearance of a conflict of interest between the persons providing the advisory services and any party to the underlying action or any judicial officer rendering decisions in small claims cases.

(d) Advisors may be volunteers, and shall be members of the State Bar, law students, paralegals, or persons experienced in resolving minor disputes, and shall be familiar with small claims court rules and procedures. Advisors shall not appear in court as an advocate for any party. The Judicial Council, in consultation with the Department of Consumer Affairs, shall adopt rules to ensure that litigants receive adequate notice of the availability of assistance, to prescribe other qualifications and the conduct of advisors, to prescribe training standards for advisors and for temporary judges hearing small claims matters, to prescribe, where appropriate, uniform rules and procedures regarding small claims actions and judgments, and to address other matters as are deemed necessary and appropriate.

(e) Each municipal court shall provide in each courtroom in which small claims court cases are heard a current copy of a publication describing small claims court law and procedures applicable in courts of this state, including the procedures for the enforcement of judgments. The Small Claims Court and Consumer Law California Judge's Bench Book developed by the California Center for Judicial Education and Research is illustrative of a publication that satisfies the requirement of this subdivision.

SEC. 3.5. Section 2.5 of this bill shall only become operative if (1) this bill and SB 620 are enacted and become effective January 1, 1990, (2) each bill amends Section 117.14 of the Code of Civil Procedure, and (3) this bill is enacted after SB 620, in which case Section 2 of this bill shall not become operative.

SEC. 4. The Judicial Council shall adopt rules pursuant to Sections 2 and 3 of this act before July 1, 1991.

SEC. 4.5. It is the intent of the Legislature that each county's costs mandated by this act be paid for from the increased revenues generated within each county by this act. In order to ensure that financing is adequate to pay for mandated local costs, this act provides for programs which, in order to be implemented by a county, require that the county make decisions which will substantially affect the cost of these programs.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1451

An act to amend Sections 65583 and 65584 of the Government Code, relating to housing

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. Section 65583 of the Government Code is amended to read:

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, and mobilehomes, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include the following:

(1) Analysis of population and employment trends and

documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584.

(2) Analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites

(4) Analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures.

(5) Analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(6) Analysis of any special housing needs, such as those of the handicapped, elderly, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter.

(7) Analysis of opportunities for energy conservation with respect to residential development.

(8) An analysis of existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new

rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project by project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the identified existing housing needs, but should establish the maximum number of housing units that can be constructed, rehabilitated, and conserved over a five-year time frame.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a Low and Moderate Income Housing Fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify adequate sites which will be made available through appropriate zoning and development standards and with public

services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, emergency shelters and transitional housing in order to meet the community's housing goals as identified in subdivision (b).

(2) Assist in the development of adequate housing to meet the needs of low- and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing.

(4) Conserve and improve the condition of the existing affordable housing stock.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, or color.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (8) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (8) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) The analysis and program for preserving assisted housing developments required by the amendments to this section enacted by the Statutes of 1989 shall be adopted as an amendment to the housing element by January 1, 1992.

(e) Failure of the department to review and report its findings pursuant to Section 65585 to the local government between January 1, 1992, and the next periodic review and revision required by Section 65588, concerning the housing element amendment required by the amendments to this section by the Statutes of 1989, shall not be used as a basis for allocation or denial of any housing assistance administered pursuant to Part 2 (commencing with Section 50400) of Division 31 of the Health and Safety Code.

SEC. 1.5. Section 65583 of the Government Code is amended to read.

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including

rental housing, factory-built housing, and mobilehomes, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following.

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include the following:

(1) Analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584.

(2) Analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) Analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures.

(5) Analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction

(6) Analysis of any special housing needs, such as those of the handicapped, elderly, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter.

(7) Analysis of opportunities for energy conservation with respect to residential development.

(8) An analysis of existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by

project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project by project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the identified existing housing needs, but should establish the maximum number of housing units that can be constructed, rehabilitated, and conserved over a five-year time frame.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of

moneys in a Low and Moderate Income Housing Fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, emergency shelters and transitional housing in order to meet the community's housing goals as identified in subdivision (b).

(2) Assist in the development of adequate housing to meet the needs of low- and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing.

(4) Conserve and improve the condition of the existing affordable housing stock

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, or color.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (8) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (8) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) The analysis and program for preserving assisted housing developments required by the amendments to this section enacted by the Statutes of 1989 shall be adopted as an amendment to the housing element by January 1, 1992.

(e) Failure of the department to review and report its findings pursuant to Section 65585 to the local government between January 1, 1992, and the next periodic review and revision required by Section 65588, concerning the housing element amendment required by the amendments to this section by the Statutes of 1989, shall not be used as a basis for allocation or denial of any housing assistance administered pursuant to Part 2 (commencing with

Section 50400) of Division 31 of the Health and Safety Code.

SEC. 2. Section 65584 of the Government Code is amended to read:

65584. (a) For purposes of subdivision (a) of Section 65583, a locality's share of the regional housing needs includes that share of the housing need of persons at all income levels within the area significantly affected by a jurisdiction's general plan. The distribution of regional housing needs shall, based upon available data, take into consideration market demand for housing, employment opportunities, the availability of suitable sites and public facilities, commuting patterns, type and tenure of housing need, the loss of units contained in assisted housing developments, as defined in paragraph (8) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions, and the housing needs of farmworkers. The distribution shall seek to avoid further impactation of localities with relatively high proportions of lower income households. Based upon data provided by the Department of Finance, in consultation with each council of government, the Department of Housing and Community Development shall determine the regional share of the statewide housing need at least two years prior to the second revision, and all subsequent revisions as required pursuant to Section 65588. Based upon data provided by the department relative to the statewide need for housing, each council of governments shall determine the existing and projected housing need for its region. Within 30 days following notification of this determination, the department shall ensure that this determination is consistent with the statewide housing need and may revise the determination of the council of governments if necessary to obtain this consistency. Each locality's share shall be determined by the appropriate council of governments consistent with the criteria above with the advice of the department subject to the procedure established pursuant to subdivision (c) at least one year prior to the second revision, and at five-year intervals following the second revision pursuant to Section 65588.

(b) For areas with no council of governments, the department shall determine housing market areas and define the regional housing need for localities within these areas. Where the department determines that a local government possesses the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the identification and determination of housing market areas and regional housing needs, the department shall delegate this responsibility to the local governments within these areas.

(c) Within 90 days following a determination of a council of governments pursuant to subdivision (a), or the department's determination pursuant to subdivision (b), a local government may revise the determination of its share of the regional housing need in

accordance with the considerations set forth in subdivision (a). The revised share shall be based upon available data and accepted planning methodology, and supported by adequate documentation. Within 60 days after the time period for the local government's revision, the council of governments or the department, as the case may be, shall accept the revision or shall indicate, based upon available data and accepted planning methodology, why the revision is inconsistent with the regional housing need. The housing element shall contain an analysis of the factors and circumstances, with all supporting data, justifying the revision. All materials and data used to justify any revision shall be made available upon request by any interested party within seven days upon payment of reasonable costs of reproduction unless the costs are waived due to economic hardship.

(d) (1) Except as provided in paragraph (2), any ordinance, policy, or standard of a city, county, or city and county which directly limits, by number, the building permits which may be issued for residential construction, or which limits for a set period of time the number of buildable lots which may be developed for residential purposes, shall not be a justification for a determination or a reduction in a local government's share of the regional housing need.

(2) Paragraph (1) does not apply to any city, county, or city and county which imposes a moratorium on residential construction for a set period of time in order to preserve and protect the public health and safety. If a moratorium is in effect, the city, county, or city and county shall, prior to a revision pursuant to subdivision (c), adopt findings which specifically describe the impacted public facilities and the reasons why construction of the number of units specified as its share of the regional housing need would prevent the mitigation of that impact.

(e) Any authority to review and revise a local government's share of the regional housing need granted under this section shall not constitute authority to revise, approve, or disapprove the manner in which the local government's share of the regional housing need is implemented through its housing program.

(f) A fee may be charged interested parties for any additional costs caused by the amendments made to subdivision (c) by Chapter 1684 of the Statutes of 1984 reducing from 45 to seven days the time within which materials and data shall be made available to interested parties.

(g) Determinations made by the department, a council of governments, or a local government pursuant to this section are exempt from the provisions of the California Environmental Quality Act, which is provided for in Division 13 (commencing with Section 21000) of the Public Resources Code.

SEC. 3. Section 65584 of the Government Code is amended to read

65584. (a) For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing needs includes that

share of the housing need of persons at all income levels within the area significantly affected by a general plan of the city or county. The distribution of regional housing needs shall, based upon available data, take into consideration market demand for housing, employment opportunities, the availability of suitable sites and public facilities, commuting patterns type and tenure of housing need, the loss of units contained in assisted housing developments, as defined in paragraph (8) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions, and the housing needs of farmworkers. The distribution shall seek to reduce the concentration of lower income households in cities or counties which already have disproportionately high proportions of lower income households. Based upon data provided by the Department of Finance, in consultation with each council of government, the Department of Housing and Community Development shall determine the regional share of the statewide housing need at least two years prior to the second revision, and all subsequent revisions as required pursuant to Section 65588. Based upon data provided by the department relative to the statewide need for housing, each council of governments shall determine the existing and projected housing need for its region. Within 30 days following notification of this determination, the department shall ensure that this determination is consistent with the statewide housing need. The department may revise the determination of the council of governments if necessary to obtain this consistency. The appropriate council of governments shall determine the share for each city or county consistent with the criteria of this subdivision and with the advice of the department subject to the procedure established pursuant to subdivision (c) at least one year prior to the second revision, and at five-year intervals following the second revision pursuant to Section 65588.

(b) For areas with no council of governments, the department shall determine housing market areas and define the regional housing need for cities and counties within these areas. Where the department determines that a city or county possesses the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the identification and determination of housing market areas and regional housing needs, the department shall delegate this responsibility to the cities and counties within these areas.

(c) (1) Within 90 days following a determination of a council of governments pursuant to subdivision (a), or the department's determination pursuant to subdivision (b), a city or county may propose to revise the determination of its share of the regional housing need in accordance with the considerations set forth in subdivision (a). The proposed revised share shall be based upon available data and accepted planning methodology, and supported by adequate documentation.

(2) Within 60 days after the time period for the revision by the city or county, the council of governments or the department, as the case may be, shall accept the proposed revision, modify its earlier determination, or indicate, based upon available data and accepted planning methodology, why the proposed revision is inconsistent with the regional housing need.

(3) If the council of governments or the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the council of governments or department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share which was originally determined by the council of governments or the department. The council of governments or the department shall reduce the share of regional housing needs of a city or county if all of the following conditions are met:

(A) One or more cities or counties agree to increase its share or their shares in an amount which will make up for the reduction.

(B) The total share of regional housing is not changed.

(C) The total housing need identified pursuant to subdivision (a) or (b) exceeds available resources and the community's ability to satisfy the need within the context of the general plan requirements.

(D) The city or county's share of low-income and very low income housing is not reduced.

(4) The housing element shall contain an analysis of the factors and circumstances, with all supporting data, justifying the revision. All materials and data used to justify any revision shall be made available upon request by any interested party within seven days upon payment of reasonable costs of reproduction unless the costs are waived due to economic hardship.

(d) (1) Except as provided in paragraph (2), any ordinance, policy, or standard of a city or county which directly limits, by number, the building permits which may be issued for residential construction, or which limits for a set period of time the number of buildable lots which may be developed for residential purposes, shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.

(2) Paragraph (1) does not apply to any city or county which imposes a moratorium on residential construction for a set period of time in order to preserve and protect the public health and safety. If a moratorium is in effect, the city or county shall, prior to a revision pursuant to subdivision (c), adopt findings which specifically describe the threat to the public health and safety and the reasons why construction of the number of units specified as its share of the regional housing need would prevent the mitigation of that threat.

(e) Any authority to review and revise a local share of a city or county of the regional housing need granted under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.

(f) A fee may be charged interested parties for any additional costs caused by the amendments made to subdivision (c) by Chapter 1684 of the Statutes of 1984 reducing from 45 to seven days the time within which materials and data shall be made available to interested parties.

(g) Determinations made by the department, a council of governments, or a city or county pursuant to this section are exempt from the provisions of the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

SEC. 4. Section 1.5 of this bill incorporates amendments to Section 65583 of the Government Code proposed by both this bill and AB 2080. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1990, (2) each bill amends Section 65583 of the Government Code, and (3) this bill is enacted after AB 2080, in which case Section 1 of this bill shall not become operative.

SEC. 5. Section 3.5 of this bill incorporates amendments to Section 63384 of the Government Code proposed by both this bill and SB 966. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1990, (2) each bill amends Section 65584 of the Government Code, and (3) this bill is enacted after SB 966, in which case Section 2 of this bill shall not become operative.

SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1452

An act to repeal and add Chapter 5 (commencing with Section 12400) of Division 9 of the Elections Code, and to amend Sections 84211 and 91005 of, and to add Article 8 (commencing with Section 85800) to Chapter 5 of Title 9 of, the Government Code, relating to the Political Reform Act of 1974, and making an appropriation therefor.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. Chapter 5 (commencing with Section 12400) of Division 9 of the Elections Code is repealed.

SEC. 2. Chapter 5 (commencing with Section 12400) is added to Division 9 of the Elections Code, to read:

CHAPTER 5. LIMITATIONS ON THE USE OF SURPLUS CAMPAIGN FUNDS

12400 Upon leaving any elective office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, surplus campaign funds raised prior to January 1, 1989, under the control of the former candidate or officeholder or his or her controlled committee shall be used or held for the following purposes:

(a) The repayment of personal or committee loans or other obligations if there is a reasonable relationship to a political, legislative, or governmental activity.

(b) The payment of the outstanding campaign expenses.

(c) Contributions to any candidate, committee, or political party, except where otherwise prohibited by law.

(d) The pro rata repayment of contributors.

(e) Donations to any religious, scientific, educational, social welfare, civic, or fraternal organization no part of the net earnings of which inures to the benefit of any private shareholder or individual or to any charitable or nonprofit organization which is exempt from taxation under subsection (c) of Section 501 of the Internal Revenue Code or Section 17214 or Sections 23701a to 23701j, inclusive, or Section 23701i, 23701n, 23701p, or 23701s of the Revenue and Taxation Code.

(f) Except where otherwise prohibited by law, held in a segregated fund for future political campaigns, not to be expended except for political activity reasonably related to preparing for future candidacy for elective office.

12401. This chapter shall not be construed to impose any reporting obligations in addition to those obligations imposed by

other provisions of law, nor shall this chapter apply to the expenditure of campaign funds in conjunction with any pending litigation.

SEC. 3. Section 84211 of the Government Code is amended to read:

84211. Each campaign statement required by this article shall contain the following information:

(a) The total amount of contributions received during the period covered by the campaign statement and the total cumulative amount of contributions received.

(b) The total amount of expenditures made during the period covered by the campaign statement and the total cumulative amount of expenditures made.

(c) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of one hundred dollars (\$100) or more.

(d) The total amount of contributions received during the period covered by the campaign statement from persons who have given a cumulative amount of less than one hundred dollars (\$100).

(e) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement.

(f) If the cumulative amount of contributions (including loans) received from a person is one hundred dollars (\$100) or more and a contribution or loan has been received from that person during the period covered by the campaign statement, all of the following.

(1) His or her full name.

(2) His or her street address.

(3) His or her occupation.

(4) The name of his or her employer or if self-employed, name of business

(5) The date and amount received for each contribution received during the period covered by the campaign statement and if the contribution is a loan, the interest rate for the loan.

(6) The cumulative amount of contributions.

(g) For each person, other than the filer, who is directly, indirectly, or contingently liable for repayment of a loan received during the period covered by the campaign statement, all of the following:

(1) His or her full name.

(2) His or her street address.

(3) His or her occupation

(4) The name of his or her employer or if self-employed, name of business

(5) The amount of his or her maximum liability.

(h) The total amount of expenditures made during the period covered by the campaign statement to persons who have received one hundred dollars (\$100) or more.

(i) The total amount of expenditures made during the period

covered by the campaign statement to persons who have received less than one hundred dollars (\$100).

(j) For each person to whom an expenditure of one hundred dollars (\$100) or more has been made during the period covered by the campaign statement, all of the following:

- (1) His or her full name.
- (2) His or her street address.
- (3) The amount of each expenditure.
- (4) A brief description of the consideration for which each expenditure was made

(5) In the case of an expenditure which is a contribution, the date of the contribution, the cumulative amount of contributions made to a candidate, elected officer or committee, the full name of the candidate and the office and district for which he or she seeks nomination or election. In the case of a contribution in support of or opposition to a measure, the number or letter of the measure and the jurisdiction in which the measure or candidate is voted upon.

(6) The information required in paragraphs (1) through (4) above, for each person, if different from the payee, who has provided consideration for an expenditure of one hundred dollars (\$100) or more during the period covered by the campaign statement.

(7) In the case of an expenditure made to pay or reimburse the travel expenses or necessary accommodations of a candidate, his or her representative, or a member of the candidate's immediate family, the date, destination, and total expenditure for each trip.

For purposes of subdivisions (h), (i), and (j) only, the terms "expenditure" or "expenditures" means any individual payment or accrued expense, unless it is clear from surrounding circumstances that a series of payments or accrued expenses are for a single service or product.

(k) In the case of a controlled committee, an official committee of a political party, or an organization formed or existing primarily for political purposes, the amount and source of any miscellaneous receipt.

(l) If a committee is listed pursuant to subdivision (f), (g), (j), (k), or (p), the number assigned to the committee by the Secretary of State shall be listed or if no number has been assigned, the full name and street address of the treasurer of the committee.

(m) In a campaign statement filed by a committee supporting or opposing more than one candidate or measure, the amount of expenditures of one hundred dollars (\$100) or more for or against each candidate or measure during the period covered by the campaign statement and the cumulative amount of expenditures of one hundred dollars (\$100) or more for or against each such candidate or measure.

(n) In a campaign statement filed by a candidate who is a candidate in both an election held on the first Tuesday after the first Monday in June and an election held on the first Tuesday after the first Monday in November, his or her controlled committee, or a

committee primarily formed to support or oppose such a candidate, the total amount of contributions received and the total amount of expenditures made for the period January 1 through June 30 and the total amount of contributions received and expenditures made for the period July 1 through December 31.

(o) The full name, residential or business address, and telephone number of the filer, or in the case of a campaign statement filed by a committee defined by subdivision (a) of Section 82013, the name, street address, and telephone number of the committee and of the committee treasurer. In the case of a committee defined by subdivision (b) or (c) of Section 82013, the name that the filer uses on campaign statements shall be the name by which the filer is identified for other legal purposes or any name which the filer is commonly known to the public.

(p) If the campaign statement is filed by a candidate, the name, street address, and treasurer of any committee of which he or she has knowledge which has received contributions or made expenditures on behalf of his or her candidacy and whether such committee is controlled by the candidate.

(q) A contribution need not be reported nor shall it be deemed accepted if it is not cashed, negotiated or deposited and is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported

(r) If the campaign statement is filed in connection with the qualification of a measure, it shall contain the information required by paragraphs (1) through (4) of subdivision (j) for each person who has directly, indirectly or through an intermediary received payments cumulatively totaling one hundred dollars (\$100) or more for circulation of petitions to qualify a measure for the ballot.

(s) The information required by Sections 84216 and 84216.5.

SEC. 4. Article 8 (commencing with Section 85800) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 8. Limitations on the Use of Campaign Funds

85800. (a) This article applies to campaign funds held by candidates for elective office, elected officers, controlled committees, ballot measure committees, committees opposed to a candidate or measure political action committees, and any committee which qualifies as a committee pursuant to subdivision (a) of Section 82013.

(b) (1) For purposes of this chapter, "campaign funds" includes any contributions, cash, cash equivalents, and other assets received or possessed by a committee as defined by subdivision (a) of Section 82013.

(2) For purposes of this chapter, "substantial personal benefit" means an expenditure of campaign funds which results in a direct personal benefit with a value of more than one hundred dollars (\$100) to a candidate or elected officer.

(3) For purposes of this article, "household" includes the candidate's or elected officer's spouse, dependent children, and parents who reside with the candidate or elected officer.

85801. An expenditure to seek office is within the lawful execution of the trust imposed by Section 85202 if it is reasonably related to a political purpose. An expenditure associated with holding office is within the lawful execution of the trust imposed by Section 85202 if it is reasonably related to a legislative or governmental purpose. Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.

85802. The following provisions govern the use of campaign funds for the specific expenditures set forth in this section. It is the intent of the Legislature that these provisions shall guide the interpretation of the standard imposed by Section 85801 as applied to other expenditures not specifically set forth below.

(a) Campaign funds shall not be used to pay or reimburse the candidate, the elected officer, or employees or staff of the campaign committee or the elected officer's governmental agency for travel expenses and necessary accommodations except when these expenditures are directly related to a political, legislative, or governmental purpose.

(1) For the purposes of this section, payments or reimbursements for travel and necessary accommodations shall be considered as directly related to a political, legislative, or governmental purpose if the payments would meet standards similar to the standards of the Internal Revenue Service pursuant to Sections 162 and 274 of the Internal Revenue Code for deductions of travel expenses under the federal income tax law.

(2) For the purposes of this section, payments or reimbursement for travel by the household of a candidate or elected officer when traveling to the same destination in order to accompany the candidate or elected officer shall be considered for the same purpose as the candidate's or elected officer's travel.

(3) Whenever campaign funds are used to pay or reimburse a candidate, elected officer, his or her representative, or a member of the candidate's household for travel expenses and necessary accommodations, the expenditure shall be reported as required by paragraph (7) of subdivision (j) of Section 84211.

(b) Campaign funds shall not be used to pay for or reimburse the cost of professional services unless the services are directly related to a political, legislative, or governmental purpose.

(1) Expenditures by a campaign committee to pay for professional services reasonably required by the campaign committee to assist it in the performance of its administrative functions are directly related to a political, legislative, or governmental purpose.

(2) Campaign funds shall not be used to pay health-related expenses for a candidate, elected officer, or members of his or her

household. "Health-related expenses" include, but are not limited to, examinations by physicians, dentists, psychiatrists, psychologists, or counselors, expenses or medications, treatments or medical equipment, expenses for hospitalization, health club dues, and special dietary foods. However, campaign funds may be used to pay employer costs of health care benefits for a member of the candidate's or elected officer's household who is a bona fide employee of the campaign committee.

(c) Campaign funds shall not be used to pay or reimburse fines, penalties, judgments, or settlements, except those resulting from either of the following:

(1) Parking citations incurred in the performance of an activity which was directly related to a political, legislative, or governmental purpose.

(2) Any other action for which payment of attorney's fees from contributions would be permitted pursuant to this title.

(d) Campaign funds shall not be used for campaign, business, or casual clothing except specialty clothing that is not suitable for everyday use, including, but not limited to, formal wear, where this attire is to be worn by the candidate or elected officer and is directly related to a political, legislative, or governmental purpose.

(e) Except where otherwise prohibited by law, campaign funds may be used to purchase or reimburse for the costs of purchase of tickets to political fundraising events for the attendance of a candidate, elected officer, his or her immediate family, and employees or staff of the campaign committee and the elected officer's governmental agency.

(1) Campaign funds shall not be used to pay for or reimburse for the costs of tickets for entertainment or sporting events for the candidate, elected officer, or members of his or her immediate family unless their attendance at the event is directly related to a political, legislative, or governmental purpose.

(2) The purchase of tickets for entertainment or sporting events for the benefit of persons other than the candidate, elected officer, or his or her immediate family are governed by subdivision (f).

(f) (1) Campaign funds shall not be used to make personal gifts unless the gift is directly related to a political, legislative, or governmental purpose. In the case of a public employee, compensation received from a public agency shall constitute full and adequate consideration for all services performed in connection with the public employment. The refund of a campaign contribution does not constitute the making of a gift.

Nothing in this section shall prohibit the use of campaign funds to reimburse or otherwise compensate a public employee for services rendered to a candidate or campaign committee while on vacation, leave, or otherwise outside of compensated public time.

(2) An election victory celebration or similar campaign event, or gifts totaling less than one hundred dollars (\$100) in a calendar year made to an employee or a campaign committee worker, or to an

employee of the elected officer's agency, are considered to be directly related to a political, legislative, or governmental purpose.

(g) Campaign funds shall not be used to make loans other than to organizations pursuant to Section 85803.

85802.5. (a) Expenditures of campaign funds for attorney's fees and other costs in connection with administrative, civil, or criminal litigation are not directly related to a political, legislative, or governmental purpose except where the litigation arises directly out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action arising from an election contest or recount.

(b) This section shall become operative only if Senate Bill 284 of the 1989-90 Regular Session is not chaptered and does not take effect on or before January 1, 1990.

85803. Campaign funds may be used to make donations or loans to bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organizations, where no substantial part of the proceeds will have a material financial effect on the candidate, elected officer, member of his or her immediate family, or the campaign treasurer, and where the donation or loan bears a reasonable relation to a political, legislative, or governmental purpose.

85804. Notwithstanding Sections 85801 and 85802, this section governs the use of campaign funds for vehicle expenses.

(a) Campaign funds shall not be used to purchase a vehicle unless both of the following apply:

(1) Title to the vehicle is held by the campaign committee and not the candidate, elected officer, a member of his or her immediate family, or the campaign treasurer.

(2) The use of the vehicle is directly related to a political, legislative, or governmental purpose.

(b) Campaign funds shall not be used to lease a vehicle unless both of the following apply:

(1) The lessee is the campaign committee, or a state or local agency and not the candidate, elected officer, or a member of his or her immediate family.

(2) The use of the vehicle is directly related to political, legislative, or governmental purposes.

(c) Campaign funds may be used to pay for or reimburse the operating costs, including, but not limited to, insurance, maintenance, and repairs, for any vehicle for which campaign funds may be spent pursuant to this section.

(d) Campaign funds may be used to reimburse a candidate, elected officer, his or her immediate family, or an employee or member of the staff of the campaign committee or of the elected officer's governmental agency for the use of his or her vehicle at the

rate approved by the Internal Revenue Service pursuant to Section 162 of the Internal Revenue Code in connection with deductible mileage expenses under the federal income tax law, if both of the following requirements are met:

(1) The vehicle use for which reimbursement is sought is directly related to political, governmental, or legislative purposes.

(2) The specific purpose and mileage in connection with each expenditure is documented in a manner approved by the Internal Revenue Service in connection with deductible mileage expenses.

(e) For the purposes of this section, use of a vehicle is considered to be directly related to a political, legislative, or governmental purpose as long as its use for other purposes is only incidental to its use for political, legislative, or governmental purposes.

85805. (a) Campaign funds shall not be used for payment or reimbursement for the lease of real property or for the purchase, lease, or refurbishment of any appliance or equipment, where the lessee is, or the legal title resides, in whole or in part, in a candidate, elected officer, member of his or her immediate family, or the treasurer of the committee.

(b) Campaign funds shall not be used to purchase real property. Except as prohibited by subdivision (a), campaign funds may be used to lease real property for up to one year at a time where the use of that property is directly related to political, legislative, or governmental purposes.

(c) For the purposes of this section, real property, appliance, or equipment is considered to be directly related to a political, legislative, or governmental purpose as long as its use for other purposes is only incidental to its use for political, legislative, or governmental purposes.

85806. Campaign funds shall not be used to compensate a candidate or elected officer for the performance of political, legislative, or governmental activities, except for reimbursement, made pursuant to Section 85201, of out-of-pocket expenses incurred for political, legislative, or governmental purposes.

85807. Upon leaving any elected office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, campaign funds raised after January 1, 1989, under the control of the former candidate or elected officer shall be considered surplus campaign funds and shall be disclosed pursuant to the requirements of Chapter 4 (commencing with Section 84100) and shall be made only for the following purposes:

(a) The payment of outstanding campaign debts or elected officer's expenses.

(b) The pro rata repayment of contributions.

(c) Donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her

immediate family, or his or her campaign treasurer.

(d) Contributions to a political party or committee so long as the funds are not used to make contributions in support of or opposition to a candidate for elective office.

(e) Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than California, or any ballot measure.

SEC. 5. Section 91005 of the Government Code is amended to read:

91005. (a) Any person who makes or receives a contribution, gift or expenditure in violation of Section 84300, 84304, 86202, 86203, or 86204, or Article 8 (commencing with Section 85800) of Chapter 5 is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to five hundred dollars (\$500) or three times the amount of the unlawful contribution, gift or expenditure, whichever is greater.

(b) Any designated employee or public official specified in Section 87200, other than an elected state officer, who realizes an economic benefit as a result of a violation of Section 87100 or of a disqualification provision of a Conflict of Interest Code is liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount up to three times the value of the benefit.

SEC. 6. The sum of one hundred fifty thousand dollars (\$150,000) is hereby appropriated from the General Fund to the Fair Political Practices Commission for the purpose of carrying out the provisions of this act.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 8. The Legislature finds and declares that the provisions of this act further the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

CHAPTER 1453

An act to add Section 15029 to the Government Code, relating to controlled substances, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

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

SECTION 1. The Legislature finds and declares that increased state and federal law enforcement efforts within the State of Florida have resulted in a shift in the pattern of importing Columbian cocaine into the United States from the State of Florida to the State of California. All available indexes document that southern California is now the primary route for importing cocaine into the United States.

This shift in importation was facilitated in large part by a working agreement developed between Columbia cartels, Mexican drug distributors, and preexisting southern California street gangs, with the street gangs offering a ready network for the distribution and sale of cocaine as well as the criminal violence inherent in large-scale drug trafficking. This alliance has resulted in a dramatic increase in the number, size, sophistication, profits, and violence of California's street gangs.

The Legislature further finds and declares that the federal government has been unable to stop the flow of cocaine into this country, thereby leaving California's state and local law enforcement authorities with the more difficult task of apprehending international drug traffickers after they have brought their cocaine into California and disbursed it throughout the communities and neighborhoods of this state. Additionally, the federal government has failed to assign adequate law enforcement personnel to California as measured by either the scope of international drug trafficking conducted within this state or the level of resources which the federal government has provided to other states.

The Legislature recognizes that there are hundreds of major cocaine distributing organizations employing violence, laundering money, and distributing large amounts of the most addictive abused drug in our society, "rock cocaine." The result of this is counted in human lives by the dramatic increase in emergency room admissions, violence, drug related deaths, and adult, juvenile, and infant cocaine addicts.

Finally, the Legislature finds and declares that California's local law enforcement agencies lack sufficient funding, personnel, and resources to effectively attack the combination of Columbian cocaine cartels and street gang networks. Even the largest city or county law enforcement agencies cannot independently combat

these sophisticated, multijurisdictional drug trafficking organizations.

California's success against those drugs which are produced within this state - the Campaign Against Marijuana Planting and regional efforts against clandestine drug laboratories - has demonstrated that use of multiagency task forces is the most effective tool against large, sophisticated drug operations. State and federal efforts against cocaine trafficking in the State of Florida substantiates this conclusion.

SEC. 2. Section 15029 is added to the Government Code, to read:

15029. (a) The Crack Down Task Force Program is hereby created within the Department of Justice with responsibility for establishing, conducting, supporting, and coordinating crack down task forces composed of state and local law enforcement agencies targeting the investigation and apprehension of the Columbian cartel-street gang cocaine networks.

(b) The department shall coordinate all investigations undertaken by task forces operating under the Crack Down Task Force Program will all local agencies having law enforcement responsibilities within the jurisdictions involved. The department shall also solicit participation by appropriate federal agencies with task force investigations whenever possible.

The department's Bureaus of Narcotic Enforcement, Forensic Services, and Organized Crime and Criminal Intelligence shall provide staffing and logistical support for the crack down task forces, supplying special agents, criminal intelligence analysts, forensic experts, financial auditors, equipment, and funding to the task forces as needed.

(c) Local law enforcement agencies participating in the Crack Down Task Force Program shall be reimbursed by the department for personnel overtime costs and equipment or supplies required for task force activities.

(d) Beginning January 1, 1991, the report required pursuant to Section 15028 shall include a separate report on the activities of the Crack Down Task Force Program.

SEC. 3. The sum of thirteen million four hundred thousand dollars (\$13,400,000) is hereby appropriated from the General Fund to the Department of Justice to implement the Crack Down Task Force Program pursuant to Section 15029 of the Government Code.

SEC. 4. 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:

Because of the growing, sophisticated, multijurisdictional drug trafficking problem created by the importation of cocaine into this state by organized criminal elements, it is essential that this act take effect immediately.

CHAPTER 1454

An act making an appropriation for the payment of claims against the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989]

I object to the following appropriations contained in Assembly Bill No. 179.

I am eliminating funding for three claims related to relocation costs for the following individuals Eugene Hill, Marshal Wilkerson and Mark Loken. I understand that these claims do to qualify for reimbursement pursuant to Department of Personnel Administration policy and regulations governing the state government relocation process for its employees To accomplish the actions indicated above, I am reducing the following amounts in AB 179

Section 1(y) (24) by \$6,175.45 (from \$7,143 06 to \$967.61);

Section 1(y) (58) by \$677 35 (from \$128,990 22 to \$128,312 87); and

By eliminating:

Section 1(y) (42).

With these deletions and reductions, I approve Assembly Bill No. 179.

GEORGE DEUKMEJIAN, Governor

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

SECTION 1. The sum of two million six hundred ninety-three thousand four hundred eighty-three dollars and twenty-one cents (\$2,693,483.21) is hereby appropriated to the Secretary of the State Board of Control to pay claims accepted by the State Board of Control in accordance with the following schedule.

(a) One hundred twenty-three thousand two dollars and seven cents (\$123,002.07) from the Accountancy Fund.

(b) Sixty-five thousand eight hundred sixty-four dollars and twenty-one cents (\$65,864.21) from the Bank and Corporation Tax Fund.

(c) One thousand twenty-six dollars (\$1,026) from the California Housing Finance Fund.

(d) One hundred ninety-six dollars and thirty-three cents (\$196 33) from the Federal Trust Fund.

(e) Seven hundred eighty-three thousand four hundred fifty-two dollars and sixty-one cents (\$783,452.61) from the General Fund.

(f) Twenty-three thousand five hundred forty-six dollars and forty-seven cents (\$23,546.47) from the Health Care Deposit Fund.

(g) Five hundred eighty-six dollars and eighty-eight cents (\$586.88) from the Indemnity Fund.

(h) Two hundred sixteen dollars and nine cents (\$216.09) from the Inheritance Tax Fund.

(i) Twenty-nine dollars (\$29) from the Litigation Deposit Fund.

(j) One thousand two hundred seventy dollars and ninety-eight cents (\$1,270.98) from the Payroll Revolving Fund.

(k) One thousand three hundred forty-four dollars and eight cents (\$1,344.08) from the Personal Income Tax Fund.

(l) Sixteen thousand four hundred fifteen dollars and seventy-two

cents (\$16,415.72) from the Public Employees' Retirement Fund.

(m) Thirty-seven dollars and fifty cents (\$37.50) from the Real Estate Fund.

(n) Twenty-seven thousand four hundred eighty-two dollars and thirty-three cents (\$27,482.33) from the Retail Sales Tax Fund.

(o) One thousand five hundred twenty-one dollars (\$1,521) from the Service Revolving Fund.

(p) Eleven thousand dollars (\$11,000) from the State Clean Water and Water Conservation Fund.

(q) Twelve thousand four hundred forty-four dollars and five cents (\$12,444.05) from the State Lottery Fund.

(r) Twenty-six thousand four hundred thirty-one dollars and thirteen cents (\$26,431.13) from the Tax Relief and Refund Account.

(s) Seven hundred two dollars (\$702) from the Teachers' Retirement Fund.

(t) One hundred forty-three dollars (\$143) from the State Highway Account in the Transportation Fund.

(u) Seventy-six dollars (\$76) from the Motor Vehicle Account in the Transportation Fund.

(v) One hundred twenty dollars (\$120) from the Unclaimed Property Fund.

(w) One thousand eight hundred fourteen dollars and fifty-two cents (\$1,814.52) from the Unemployment Compensation Disability Fund.

(x) One thousand one hundred eleven dollars and twenty cents (\$1,111.20) from the Unemployment Fund.

(y) One million five hundred eighty-five thousand nine hundred seventeen dollars and twenty-five cents (\$1,585,917.25) from funds appropriated in Section 2.00 of the Budget Act of 1989, as follows:

(1) Seven hundred sixty-one dollars and twenty cents (\$761.20) from category (b) of Item 0585-001-981.

(2) One hundred twenty-four dollars and seventy-nine cents (\$124.79) from category (b) of Item 0690-001-001.

(3) Two hundred forty-one dollars and thirty-eight cents (\$241.38) from category (d) of Item 0690-001-001

(4) Three thousand two hundred twenty-one dollars and forty-nine cents (\$3,221.49) from category (a) of Item 0820-001-001.

(5) Eighty dollars (\$80) from category (d) of Item 0820-001-001.

(6) Eighty-six dollars (\$86) from category (g) of Item 0820-001-001.

(7) Seven hundred eighty-five dollars and ninety-nine cents (\$785.99) from category (a) of Item 0840-001-001.

(8) Five hundred seventy-three dollars and ninety-nine cents (\$573.99) from category (a) of Item 0860-001-001.

(9) Fifty-three thousand three hundred twenty-six dollars and thirty-one cents (\$53,326.31) from category (b) of Item 0860-001-001.

(10) One thousand sixty-one dollars and ninety-one cents (\$1,061.91) from category (b) of Item 0890-001-001.

(11) Seven thousand six hundred fifty-one dollars and eighty cents

(\$7,651.80) from category (b) of Item 0950-001-001.

(12) One thousand five hundred seventy-seven dollars and thirty-five cents (\$1,577.35) from category (a) of Item 1150-008-128.

(13) One thousand three hundred fifty-seven dollars and three cents (\$1,357.03) from category (a) of Item 1655-090-702.

(14) One thousand three hundred twenty-three dollars and eighty-two cents (\$1,323.82) from category (a) of Item 1710-001-001.

(15) Five thousand three hundred eighty-three dollars and thirty-eight cents (\$5,383.38) from category (a) of Item 1730-001-001.

(16) Ten thousand eight hundred fifty-seven dollars and seventy-three cents (\$10,857.73) from category (b) of Item 1730-001-001.

(17) Seventy-two thousand forty-four dollars and ninety-one cents (\$72,044.91) from category (b) of Item 1760-001-666.

(18) Two hundred forty-eight dollars and sixty cents (\$248.60) from category (b) of Item 1920-001-835.

(19) Seventy-one thousand two hundred seventy-eight dollars and fifty-five cents (\$71,278.55) from category (a) of Item 1970-011-001.

(20) Two hundred one dollars (\$201) from category (c) of Item 2100-001-001.

(21) Sixty-three dollars and eighty-seven cents (\$63.87) from category (c) of Item 2340-001-337.

(22) Three hundred seventy-six thousand four hundred fifteen dollars and ninety-nine cents (\$376,415.99) from category (b) of Item 2660-001-042.

(23) Ninety-one dollars and ninety-four cents (\$91.94) from category (e) of Item 2660-001-042.

(24) Seven thousand one hundred forty-three dollars and six cents (\$7,143.06) from category (a) of Item 2720-001-044.

(25) Thirty-six thousand seven hundred twenty-two dollars and twenty-two cents (\$36,722.22) from category (a) of Item 2740-001-044.

(26) Fifteen thousand three hundred one dollars and seventy cents (\$15,301.70) from category (b) of Item 2740-001-044.

(27) Four hundred sixty-one dollars and twenty-eight cents (\$461.28) from category (a) of Item 3340-001-001.

(28) Eight thousand three hundred fifty-eight dollars and forty cents (\$8,358.40) from category (b) of Item 3340-001-001.

(29) Seventy-two thousand seven hundred ninety-six dollars and seventy-one cents (\$72,796.71) from category (a) of Item 3300-001-465.

(30) One thousand six hundred dollars (\$1,600) from category (a) of Item 3400-001-001.

(31) One hundred dollars (\$100) from category (a) of Item 3480-001-001.

(32) Two thousand four hundred seventy-six dollars and thirteen cents (\$2,476.13) from category (a) of Item 3540-001-001.

(33) One hundred sixty thousand three hundred forty-six dollars

and thirty-six cents (\$160,346.36) from category (b) of Item 3540-001-001.

(34) Two hundred eighty dollars and ninety-four cents (\$280.94) from Item 3530-001-001.

(35) Six thousand twenty-four dollars (\$6,024) from category (a) of Item 3600-001-200.

(36) Four thousand four hundred four dollars and ninety-nine cents (\$4,404.99) from category (b) of Item 3600-001-200

(37) One hundred dollars (\$100) from category (c) of Item 3720-001-001.

(38) One thousand three hundred fifty-eight dollars and fifty-one cents (\$1,358.51) from category (a) of Item 3790-001-001.

(39) Seventeen thousand one hundred four dollars and fifty-seven cents (\$17,104.57) from category (b) of Item 3790-001-001.

(40) Two thousand five hundred sixteen dollars and ninety-five cents (\$2,516.95) from category (a) of Item 3860-001-001.

(41) Eighty-seven thousand nine hundred twenty-three dollars and twelve cents (\$87,923.12) from category (a) of Item 3940-001-001.

(41.5) Eight hundred two dollars and ninety-four cents (\$802.94) from category (e) of Item 4170-001-001.

(42) Twelve thousand seven hundred fifty-one dollars and sixty cents (\$12,751.60) from category (b) of Item 4200-001-001.

(43) One thousand nine hundred nineteen dollars and forty-five cents (\$1,919.45) from category (c) of Item 4200-001-001.

(44) One thousand nine hundred twenty-seven dollars and sixty cents (\$1,927.60) from category (a) of Item 4260-001-001.

(45) Sixteen thousand five hundred twenty-seven dollars and fifty-three cents (\$16,527.53) from category (b) of Item 4260-001-001.

(46) Three hundred dollars (\$300) from category (a) of Item 4260-101-001.

(47) Seventy-seven thousand one hundred eleven dollars and seventy-five cents (\$77,111.75) from category (a) of Item 4300-003-001.

(48) One thousand two hundred six dollars and sixty cents (\$1,206.60) from category (a) of Item 4300-101-001.

(49) Two thousand one hundred eleven dollars and three cents (\$2,111.03) from category (b) of Item 4300-101-001.

(50) Thirty-seven thousand thirty-two dollars and fifty-five cents (\$37,032.55) from category (a) of Item 4440-011-001.

(51) One thousand fifty-seven dollars and seventy-five cents (\$1,057.75) from category (b) of Item 4440-011-001.

(52) Twelve thousand one hundred sixty-eight dollars and eighty-five cents (\$12,168.85) from category (a) of Item 5100-001-870.

(53) Two hundred sixteen dollars (\$216) from category (b) of Item 5100-001-870.

(54) Nine thousand one hundred seven dollars and seventy-two cents (\$9,107.72) from category (a) of Item 5160-001-001.

(55) Eleven thousand one hundred thirty-four dollars and thirty-seven cents (\$11,134.37) from category (a) of Item

5180-001-001.

(56) One hundred twenty-two dollars and fifty cents (\$122.50) from category (b) of Item 5180-001-001.

(57) Twenty-four thousand five hundred seventy-three dollars and forty-five cents (\$24,573.45) from category (a) of Item 5180-151-001.

(58) One hundred twenty-eight thousand nine hundred ninety dollars and twenty-two cents (\$128,990.22) from category (a) of Item 5240-001-001.

(59) One hundred dollars (\$100) from category (a) of Item 5440-001-001.

(60) One hundred thirteen thousand one hundred thirty-four dollars and ninety-eight cents (\$113,134.98) from category (a) of Item 5460-001-001.

(61) One thousand five hundred sixty-eight dollars (\$1,568) from category (c) of Item 6110-001-001.

(62) One thousand five hundred dollars (\$1,500) from Item 6110-001-687.

(63) Thirteen thousand seven hundred forty-eight dollars and ninety-five cents (\$13,748.95) from category (a) of Item 6110-006-001.

(64) Fifteen thousand six hundred seventy-nine dollars and twenty-five cents (\$15,679.25) from category (a) of Item 6610-001-001.

(65) Twenty-three thousand four hundred eighteen dollars and seventy-one cents (\$23,418.71) from category (b) of Item 6870-001-001.

(66) Three hundred fifteen dollars (\$315) from category (b) of Item 8260-001-001.

(67) Thirty-three thousand four hundred forty dollars and sixty-nine cents (\$33,440.69) from category (ax) of Item 8350-001-001.

(68) One hundred fifty-six dollars and thirty-six cents (\$156.36) from category (b) of Item 8560-001-510.

(69) Eight thousand eight hundred fifty-four dollars and thirty cents (\$8,854.30) from category (a) of Item 8570-001-001.

(70) Seven hundred thirty-three dollars and fifty-seven cents (\$733.57) from category (c) of Item 8570-001-001.

(71) Two hundred seventy-three dollars (\$273) from category (a) of Item 8700-001-001.

(72) One hundred fifty-four dollars and fifty-six cents (\$154.56) from category (a) of Item 8940-001-001.

(z) Seven thousand seven hundred thirty-two dollars and seventy-nine cents (\$7,732.79) of the funds appropriated to California Community College Chancellor's Office Administration by category (3) of subparagraph (C) of paragraph (2) of subdivision (a) of Section 23.50 of the Budget Act of 1989.

SEC. 2 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 settle claims against the state and end hardship to claimants as quickly as possible, it is necessary for this act to take effect immediately.

CHAPTER 1455

An act to add Sections 309.75, 309.76, and 309.77 to the Health and Safety Code, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

I am deleting the \$140,000 appropriation contained in Section 4 of Assembly Bill No 219

This bill would require the Department to expand the existing Childhood Lead Poisoning Prevention Program to implement pilot lead screening projects for high-risk populations of children, for children of occupationally-exposed workers, and to educate health care providers about lead and advise medical practitioners to annually screen high risk children who are 1-5 years of age

The demands placed on budget resources require all of us to set priorities. With legislation I will be signing and the budget enacted in July 1989, more than \$50 billion in state funds will be appropriated this fiscal year. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1990-91. Only at that time can we review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No 219

GEORGE DEUKMEJIAN, Governor

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

SECTION 1. Section 309.75 is added to the Health and Safety Code, to read:

309.75. The Legislature hereby finds and declares that the activities conducted by the department pursuant to Sections 309.71, 309.72, and 309.73 have confirmed and supported the findings specified in Section 309.7 and, in addition, have resulted in the following findings:

(a) Very few children are currently tested for elevated blood lead levels in California. The lead registry established pursuant to Section 309.71 has been effective at identifying incidents of occupational lead poisoning; however, because childhood lead screening is not now required in California, the registry is unable to serve as the exclusive mechanism to identify children with elevated blood lead levels. Additional blood lead screening needs to be done to identify children at high risk of lead poisoning.

(b) Based on emerging information about the severe deleterious affects of low levels of lead on children's health, the lead danger level

is expected to be lowered from 25 to 15 micrograms of lead per deciliter of human blood.

(c) Lead poisoning poses a serious health threat for significant numbers of California children. Based on lead registry reports and targeted screening results, the department has estimated that tens of thousands of California children may be suffering from blood lead levels greater than the danger level.

(d) The implications of lead exposure to children and pregnant women from lead brought home on the clothing of workers is unknown, but may be significant.

(e) Levels of lead found in soil and paint around and on housing constitute a health hazard to children living in the housing. No regulations currently exist to limit allowable levels of lead in paint surfaces in California housing.

SEC. 2. Section 30976 is added to the Health and Safety Code, to read:

30976. The department shall continue to direct the Childhood Lead Poisoning Prevention Program to implement a program to identify and conduct medical followup of high-risk children, and to establish procedures for environmental abatement and followup designed to reduce the incidence of excessive childhood lead exposures in California. In implementing this program, the department shall utilize its own studies, as well as relevant information from the scientific literature and childhood lead poisoning programs from outside California. The particular activities specified in this section shall be initiated by January 1, 1990, and completed on or before January 1, 1993. The program shall include at least all of the following components:

(a) Lead screening. The department shall:

(1) Design and implement at least one pilot blood lead screening project targeting children at high risk of elevated blood lead levels. In designing any pilot projects, the department shall give special consideration to conducting screening through the Child Health Disability and Prevention Program.

(2) Conduct a pilot screening project to evaluate blood lead levels among children of workers exposed to lead in their occupations.

(3) Develop and issue health advisories urging health care providers to conduct routine annual screening of high-risk children between the ages of one and five years of age.

(4) Study the options for, and feasibility of, implementing a mandatory childhood blood lead testing program in California. The study shall include an evaluation of the voluntary response and cooperation of health care providers to the health advisory program specified in paragraph (3). The results of this study shall be submitted to the Legislature by July 1, 1991.

(5) Develop a program to assist local health departments in identifying and following up cases of elevated blood lead levels.

(6) Develop and conduct programs to educate health care providers regarding the magnitude and severity of, and the

necessary responses to, the childhood lead poisoning problem in California.

(b) The department, in consultation with the Department of Housing and Community Development, shall adopt regulations governing the abatement of lead paint in and on housing, including, but not limited to, standards for enforcement, testing, abatement, disposal, and worker health and safety.

(c) The department shall conduct a study to evaluate whether abatement of lead in soil is effective at reducing blood lead levels in children.

SEC. 3. Section 309.77 is added to the Health and Safety Code, to read:

309.77. After January 1, 1993, the department, through the Childhood Lead Poisoning Prevention Program, shall continue to take steps which it determines are necessary to reduce the incidence of excessive childhood lead exposure in California.

SEC. 4. (a) The sum of one hundred forty thousand dollars (\$140,000) is hereby appropriated from the General Fund to the State Department of Health Services for the purpose of providing funding through June 30, 1990, to implement Sections 309.75 and 309.76 of the Health and Safety Code.

(b) It is the intent of the Legislature that the General Fund be reimbursed for amounts expended from the appropriation in subdivision (a) if the Legislature appropriates funds from the Cigarette and Tobacco Products Surtax Fund for the purposes of child lead screening.

(c) It is the intent of the Legislature that the existing base funding for the Childhood Lead Poisoning Prevention Program shall be maintained, and that future additional funding to carry out the activities specified in Sections 309.75, 309.76, and 309.77 shall be appropriated through the annual budget process, commencing with the 1990-91 fiscal year budget.

SEC 5. 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 have the maximum impact of the reduction of the incidence of childhood lead toxicity in the State of California, and in order to avoid a lapse in the operation and effectiveness of the Childhood Lead Poisoning Prevention Program, it is necessary for this act to take effect immediately.

CHAPTER 1456

An act relating to alcohol and drug education, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

I am deleting the \$400,000 appropriation contained in Section 4 of Assembly Bill No 2065

This bill would appropriate \$400,000 from the General Fund to direct the Office of Criminal Justice Planning to contract with a private nonprofit agency for the purpose of field testing a substance abuse prevention curriculum model which would utilize athletes as role models

The demands placed on budget resources require all of us to set priorities. With legislation I will be signing and the budget enacted in July 1989, more than \$50 billion in state funds will be appropriated this fiscal year. This amount is more than adequate to provide the necessary essential services provided for by State Government. It is not necessary to put additional pressure on taxpayer funds for programs that fall beyond the priorities currently provided.

It is more appropriate to consider funding the provisions of this bill during the budget process for Fiscal Year 1990-91. Only at that time can we review the relative merits of this program in comparison to all other funding projects. The budget process enables us to weigh all demands on the state's revenues and direct our resources to programs, either new or existing, that have the most merit.

With this deletion, I approve Assembly Bill No. 2065

GEORGE DEUKMEJIAN, Governor

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Drug and alcohol abuse has been consistently identified by Americans as among the top problems confronting the nation's schools.

(b) Drugs are a serious problem not only in high schools, but in middle schools and elementary schools as well.

(c) Although adults control drug trafficking, the immediate source of drugs for most students is other students.

(d) Social influences and pressures are instrumental in encouraging young people to try alcohol or drugs, or both. Students must learn to identify these pressures and learn how to counteract messages promoting the use of alcohol and drugs.

(e) Using professional and amateur athletes as credible communicators and role models for young people has been highly successful.

(f) Pursuant to Chapter 1306 of the Statutes of 1985, a curriculum model has been developed to deliver antidrug abuse messages and successful life skills to young people in schools, using athletes as role models and presenters, and stressing the similarities between preparing for an athletic career and preparing for a successful life. The field testing of that curriculum model is critical to its full utilization.

SEC 2. (a) The Office of Criminal Justice Planning and the State

Department of Education shall jointly develop a request for proposal process, pursuant to which they shall award a contract to a private nonprofit organization to field test, in selected school districts, the curriculum model developed pursuant to Chapter 1306 of the Statutes of 1985. That field testing shall be conducted by that organization, subject to the administrative direction of the Office of Criminal Justice Planning, for two academic semesters in two school districts in northern California and two school districts in southern California that elect to participate in the field testing. Those four school districts shall be selected by the Office of Criminal Justice Planning, in conjunction with the selected private nonprofit organization.

(b) To be eligible for selection pursuant to subdivision (a), a private nonprofit organization shall already have, or have employees with, at least two years' experience in presenting antidrug and antialcohol curricula, using athletes as role models, at the high school level in California's public schools.

(c) The curriculum model, as applied by the selected organization for the purposes of this section, shall include a comprehensive life awareness and personal growth program developed to provide strong alternatives to prevent alcohol and other drug use. The curriculum program shall consist of eight lessons, to be presented to ninth grade pupils by specially trained athletes, and formal and informal supportive activities for all high school and junior high school pupils.

(d) The organization shall direct its efforts toward accomplishing, at a minimum, the following goals:

(1) Reaching at-risk youth by employing athletes who have the capacity to reach and teach youth in a classroom setting.

(2) Providing athletes with the curriculum and supervision that would enable them to be successful in communicating with youth.

(3) Negotiating with school personnel so that the curriculum may be introduced in the school's schedule with minimum disruption.

(4) Contracting with a private evaluation firm to evaluate the results, pursuant to standards and procedures prescribed by the Office of Criminal Justice Planning.

(5) Revising the curriculum program to accommodate the evaluation recommendations to ensure that the curriculum may be successfully replicated by school districts, at their option, independent of the organization.

(e) The organization shall be able to provide a detailed budget with methodology including specific goals, objectives, and means of evaluation.

(f) The organization shall provide 1,000 copies of the curriculum program guide to the State Department of Education.

(g) The organization shall provide the State Department of Education with an estimate of the costs for replicating the program and providing for the statewide distribution of the curriculum program.

SEC. 3. This act shall remain in effect only until July 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before July 1, 1991, deletes or extends that date.

SEC. 4. The sum of four hundred thousand dollars (\$400,000) is hereby appropriated from the General Fund to the Office of Criminal Justice Planning for distribution pursuant to a contract with a private nonprofit organization pursuant to Section 2 of this act. No more than 5 percent of that sum may be used by the Office of Criminal Justice Planning for costs incurred in administering this act.

SEC. 5. 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 that the contract funding authorized under this act may be distributed at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 1457

An act to amend Sections 626.1 and 628.2 of, and to add Sections 628.4, 628.5, and 628.6 to, the Penal Code, relating to crimes, and making an appropriation therefor.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

I am deleting the \$100,000 appropriation contained in Section 7 of Senate Bill No 271

This bill would add to the Department of Education several duties in regards to administration of the School Crime Reporting program

It is not necessary to provide additional resources to the Department of Education to implement this bill. The Department has sufficient resources to carry out the provisions of this Act.

With this deletion, I approve Senate Bill No 271

GEORGE DEUKMEJIAN, Governor

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

SECTION 1. Section 626.1 of the Penal Code is amended to read:

626.1. (a) It is the intent of the Legislature in enacting this section to ensure that students, parents, and all school officials and employees have access to a concise, easily understandable summary of California penal and civil law pertaining to crimes committed against persons or property on school grounds.

(b) On or before June 30, 1985, the Attorney General shall prepare and present to the Superintendent of Public Instruction, a handbook, written in easily understandable language, that contains a complete summary, with statutory citations, of California penal and civil law pertaining to crimes (1) committed against persons or property on school grounds, and (2) identified on the forms prepared pursuant

to Section 628.1 of the Penal Code. The handbook shall include, but shall not be limited to, all reporting requirements pertaining to these crimes, the sanctions for failure to report, an explanation as to what constitutes an act of violence or vandalism, an explanation of the procedure by which any person or the school may initiate the prosecution of offenders for these crimes or seek recovery for injury or damages for these crimes, an explanation of parental liability for injury or property damages resulting from the intentional acts of a minor, and an explanation of any right to benefits as a consequence of injury or damage resulting from these crimes. The Attorney General shall periodically, but no less than once every two years, update this handbook to reflect changes in the law.

(c) Upon receipt of the handbook pursuant to subdivision (b) from the Attorney General, the Superintendent of Public Instruction shall (1) provide for the expeditious duplication and distribution of this handbook to all superintendents of school districts, to county offices of education, and to principals or directors of county-operated programs, sites, and schools, and (2) request the superintendents to ensure that the principal or director of each county-operated program, site, or school notify parents and guardians of the contents and availability of the handbook at the school, program, or site in the next regular communication sent to each parent or guardian.

SEC. 2. Section 628.2 of the Penal Code is amended to read:

628.2. On forms prepared and supplied by the State Department of Education, each principal of a school in a school district and each principal or director of a county-operated program, site, or school under the jurisdiction of the county superintendent of schools shall forward a completed report of crimes committed thereon at the end of each reporting period to the district superintendent or county superintendent of schools.

The district superintendent or, as appropriate, the county superintendent of schools, shall compile the school data and submit the aggregated data to the State Department of Education not later than February 1 for the reporting period of July 1 through December 31, and not later than August 1 for the reporting period January 1 through June 30.

The superintendent of any school district that maintains a police department pursuant to Section 39670 may direct the chief of police or other administrator of that department to prepare the completed report of crimes for one or more schools in the district, to compile the school data for the district, and to submit the aggregated data to the State Department of Education in accordance with this section. If the chief of police or other designated administrator completes the report of crimes, the chief of police or designated administrator shall provide information to each school principal about the school crime reporting program, the crime descriptions included in the reporting program, and validation criteria identified by the State Department of Education for each crime description.

The State Department of Education shall distribute, upon request,

to each office of the county superintendent of schools and each county probation department, a summary of that county's district reports, county reports, and the summary of statewide aggregated data. This information shall be supplied not later than March 1 of each year for the previous school year. The department shall also submit to the Legislature a summary of the statewide aggregated data not later than March 1 of each year for the previous school year. In addition, commencing with the second annual report, the department shall also identify trends in school crime by comparing the numbers and rates of crimes and the resulting economic losses for each year against those of the previous year and the baseline reporting year.

All school district, county, and statewide reports prepared under this chapter shall be deemed public documents and shall be made available to the public at a price not to exceed the actual cost of duplication and distribution.

SEC. 3. Section 628.4 is added to the Penal Code, to read:

628.4. By June 30, 1991, the State Department of Education shall publish and distribute to all school districts and county offices of education an annual school crime reporting update that describes typical errors in school crime reporting procedures, describes effective and efficient methods of monitoring and recording school crime data, and identifies trends in school crime drawn from the annual school crime report submitted to the Legislature

SEC. 4. Section 628.5 is added to the Penal Code, to read:

628.5. The Legislature hereby recognizes that all pupils enrolled in California public schools have the inalienable right to attend classes on campuses that are safe, secure, and peaceful. The Legislature also recognizes the importance of accurate school crime data in developing and implementing school safety strategies and programs.

By June 30, 1990, the State Department of Education, in consultation with school districts and county offices of education, shall identify criteria for validating the reported incidence of each crime description contained on the standard school crime reporting forms prepared pursuant to Sections 628.1 and 628.2. Validation criteria shall be established for each crime description, that include, but shall not be limited to, all of the following: assault, battery, assault with a deadly weapon, unlawful fighting, homicide, sex offenses, robbery, extortion, chemical substance offenses, possession of weapons, destructive devices, arson, burglary, theft, and vandalism. By January 1, 1991 the State Department of Education shall pilot test the validation criteria in a representative sampling of school districts and county offices of education.

SEC. 5. Section 628.6 is added to the Penal Code, to read:

628.6. Beginning July 1, 1991, the State Department of Education shall use tested validation criteria in a representative sample of school districts and county offices of education to assess the accuracy of school crime data submitted to it by those agencies.

The State Department of Education shall inform school districts and county offices of education of the validation criteria for the crime descriptions included on the standard school crime reporting forms specified in Section 628.1. Each district and county office of education shall in turn notify their respective schools, programs, and sites of the validation criteria.

SEC. 6. The Legislature hereby authorizes two new staff positions in the State Department of Education to carry out the purposes of this act.

SEC. 7. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for purposes of this act. It is the intent of the Legislature in enacting this measure that subsequent Legislatures appropriate the sum of two hundred thousand dollars (\$200,000) each subsequent fiscal year for the purpose of implementing this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1458

An act making an appropriation for the California exhibit at the 1990 World Exposition in Osaka, Japan, and declaring the urgency thereof, to take effect immediately.

Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

I am reducing the General Fund appropriation contained in Section 2 (a) of Senate Bill No 1309 from \$1,500,000 to \$100,000. This bill would provide for California's participation in the 1990 World Exposition in Osaka, Japan.

I have removed funding from this bill in excess of \$100,000 to maintain consistency with Senate Bill 92, which appropriates \$100,000 to support state participation in the World Exposition 92 in Seville, Spain. This bill and SB 92 provide for similar activities and levels of commitment by the State in these expositions.

With these reductions, I approve Senate Bill No 1309.

GEORGE DEUKMEJIAN, Governor

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

SECTION 1. This act is intended to signal that the State of California recognizes the value of its relationship with Japan and is designed to signify the participation of the State of California in the International Garden and Greenery Exposition to be held in Osaka, Japan, in 1990 (Expo '90), an exposition of great importance to the Japanese people for promoting an understanding of international culture values and traditions.

SEC. 2. (a) The sum of one million five hundred thousand dollars (\$1,500,000) is hereby appropriated from the General Fund

to the Department of Food and Agriculture to enable this state, under the general supervision of the department, to participate in the 1990 World Exposition in Osaka, Japan.

(b) The Director of Food and Agriculture shall expend up to one hundred thousand dollars (\$100,000) of the appropriation made pursuant to subdivision (a) to plan and design an outdoor exhibit and participate in special events related to the exposition.

(c) Additional expenditures of the appropriation made pursuant to subdivision (a) may be made by the director for the planning, design, construction, and operation of a state-sanctioned California pavilion, only if the director has received written financial commitments from nonstate funding sources in the sum of at least one million five hundred thousand dollars (\$1,500,000) by September 30, 1989. Not more than one hundred thousand dollars (\$100,000) of the appropriation made by subdivision (a) may be expended unless and until all of the nonstate funds have been expended.

(d) If the director has not received written financial commitments from nonstate funding sources by September 30, 1989, the appropriation authorized pursuant to subdivision (a), except for the amount specified in subdivision (b), shall revert to the General Fund upon the director's determination that the conditions of subdivision (c) have not been met. In that event, California's participation shall consist of an outdoor exhibit and related promotional activities as provided for in subdivision (b).

SEC. 3. Nothing contained herein shall prevent the construction and operation of a California pavilion at the 1990 World Exposition in Osaka, Japan, by the private sector without the use of state funds, subject to the approval of the director.

SEC. 4. 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 that the State of California may participate in the 1990 World Exposition in Osaka, Japan, it is necessary that this act take effect immediately.

CHAPTER 1459

An act relating to parks, and making an appropriation therefor.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

I am deleting the \$20,000 appropriation contained in Section 1 of Senate Bill No 1615

This bill would appropriate \$20,000 from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the Department of Parks and Recreation (DPR) to study the potential for forming a partnership between public agencies and private entities for acquiring the Town of Locke and managing it as a working unit of the State Park System. It would require DPR to review its 1979

feasibility study on this issue to determine what changes should be made to the Department's original recommendations

The appropriation in this bill is unnecessary. I have signed AB 1580, which includes funding for this study from the State Park Recreation Fund

With this deletion, I approve Senate Bill No. 1615

GEORGE DEUKMEJIAN, Governor

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

SECTION 1. The sum of twenty thousand dollars (\$20,000) is hereby appropriated from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the Department of Parks and Recreation to study the potential for forming a partnership between public agencies and private entities for acquiring the Town of Locke and managing it as a working unit of the state park system.

The department shall review the report prepared under Chapter 793 of the Statutes of 1978 to determine what changes should be made in plans for the Town of Locke project.

CHAPTER 1460

An act to amend Sections 13353, 13551, 14100, 14601.2, and 23157 of, to amend and renumber Section 13353.1 of, and to add Sections 13353.2, 13353.3, 13353.4, 13353.6, 13353.7, 13557, 13558, 13559, 14905, 23158.2, and 23158.5 to, the Vehicle Code, relating to driving offenses, and making an appropriation therefor.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

I am reducing the appropriation contained in Section 25 of Senate Bill No. 1623 from \$4,800,000 to \$800,000.

This bill would establish an administrative license suspension process for persons found driving under the influence of alcohol and drugs.

I believe this bill would enhance traffic safety by facilitating the suspension of licenses for DUI offenders; however, I am reducing the \$4.8 million appropriation for the costs of the Department of Motor Vehicles to \$800,000. This will provide adequate funding to meet the department's one-time implementation costs in 1989-90. Ongoing administrative costs will not begin until 1990-91 and can be addressed during the development of the 1990-91 Budget.

With this reduction, I approve Senate Bill No. 1623.

GEORGE DEUKMEJIAN, Governor

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

SECTION 1. The Legislature finds and declares that the purpose of this act is to do all of the following:

(a) To provide safety for all persons using the highways of this state by quickly suspending the driving privilege of those persons who have shown themselves to be safety hazards by driving with an excessive concentration of alcohol in their bodies.

(b) To guard against the potential for any erroneous deprivation of the driving privilege by providing an opportunity for

administrative review prior to the effective date of the suspension and an opportunity for a full hearing as quickly as possible after the suspension becomes effective.

(c) To place no restriction on the existing ability of a prosecutor to pursue criminal actions pursuant to Section 23152 or 23153 of the Vehicle Code.

SEC. 2 Section 13353 of the Vehicle Code is amended to read:

13353. (a) If any person refuses the officer's request to submit to, or fails to complete, a chemical test or tests pursuant to Section 23157, upon receipt of the officer's sworn statement that the officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153 and that the person had refused to submit to, or did not complete, the test or tests after being requested by the officer, the department shall (1) suspend the person's privilege to operate a motor vehicle for a period of six months, (2) suspend the person's privilege to operate a motor vehicle for a period of one year if the refusal occurred within seven years of a separate violation of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, which resulted in a conviction, or (3) suspend the person's privilege to operate a motor vehicle for a period of two years if the refusal occurred within seven years of two or more separate violations of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, or any combination thereof, which resulted in convictions. The officer's sworn statement shall be submitted on a form furnished by the department pursuant to Section 23158.3. The suspension shall not become effective until 45 days after the giving of written notice thereof, or until the end of any stay of the suspension, as provided for in Section 13558.

(b) The notice of the order of suspension under this section may be served on the person by a peace officer pursuant to Section 23157. If the notice of the order of suspension has not been served by the peace officer pursuant to Section 23157, the department shall immediately notify the person in writing of the action taken. A notice which is mailed to the person is deemed received three days after mailing.

(c) Upon receipt of the officer's sworn statement, the department shall review the record. For purposes of this section, the scope of the administrative review shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153, whether the person was placed under arrest, whether the person refused to submit to, or did not complete, the test or tests after being requested by a peace officer, and whether, except for the persons described in subdivision (a) of Section 23157 who are incapable of refusing, the person had been told that his or her driving privilege would be suspended if he or she refused to submit to, or did not complete, the

test or tests.

(d) The person may request an administrative hearing pursuant to Section 13558. Except as provided in subdivision (e) of Section 13558, the request for an administrative hearing does not stay the order of suspension.

SEC. 3. Section 13353 of the Vehicle Code is amended to read:

13353. (a) If any person refuses the officer's request to submit to, or fails to complete, a chemical test or tests pursuant to Section 23157, upon receipt of the officer's sworn statement that the officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153 and that the person had refused to submit to, or did not complete, the test or tests after being requested by the officer, the department shall (1) suspend the person's privilege to operate a motor vehicle for a period of six months, (2) suspend the person's privilege to operate a motor vehicle for a period of one year if the refusal occurred within seven years of a separate violation of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, which resulted in a conviction, or (3) suspend the person's privilege to operate a motor vehicle for a period of two years if the refusal occurred within seven years of two or more separate violations of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 of paragraph (3) of subdivision (c) of Section 192 of the Penal Code, or any combination thereof, which resulted in convictions. The officer's sworn statement shall be submitted on a form furnished by the department pursuant to Section 23158.3. The suspension or revocation shall not become effective until 45 days after the giving of written notice thereof, or until the end of any stay of the suspension or revocation, as provided for in Section 13558.

(b) The notice of the order of suspension under this section may be served on the person by a peace officer pursuant to Section 23157. If the notice of the order of suspension has not been served by the peace officer pursuant to Section 23157, the department shall immediately notify the person in writing of the action taken. A notice which is mailed to the person is deemed received three days after mailing.

(c) Upon receipt of the officer's sworn statement, the department shall review the record. For purposes of this section, the scope of the administrative review shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153, whether the person was placed under arrest, whether the person refused to submit to, or did not complete, the test or tests after being requested by a peace officer, and whether, except for the persons described in subdivision (a) of Section 23157 who are incapable of refusing, the person had been told that his or her driving privilege would be suspended or revoked if he or she refused to submit to, or did not

complete, the test or tests.

(d) The person may request an administrative hearing pursuant to Section 13358. Except as provided in subdivision (e) of Section 13558, the request for an administrative hearing does not stay the order of suspension.

(e) This section shall remain in effect only until January 1, 1992, and as of that date is repealed.

SEC. 4. Section 13353 is added to the Vehicle Code, to read:

13353. (a) If any person refuses the officer's request to submit to, or fails to complete, a chemical test or tests pursuant to Section 23157, upon receipt of the officer's sworn statement that the officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153 and that the person had refused to submit to, or did not complete, the test or tests after being requested by the officer, the department shall (1) suspend the person's privilege to operate a motor vehicle for a period of six months, (2) suspend the person's privilege to operate a motor vehicle for a period of one year if the refusal occurred within seven years of a separate violation of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, which resulted in a conviction, or (3) suspend the person's privilege to operate a motor vehicle for a period of two years if the refusal occurred within seven years of two or more separate violations of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, or any combination thereof, which resulted in convictions. The officer's sworn statement shall be submitted on a form furnished by the department pursuant to Section 23158.3. The suspension shall not become effective until 45 days after the giving of written notice thereof, or until the end of any stay of the suspension, as provided for in Section 13558.

(b) The notice of the order of suspension under this section may be served on the person by a peace officer pursuant to Section 23157. If the notice of the order of suspension has not been served by the peace officer pursuant to Section 23157, the department shall immediately notify the person in writing of the action taken. A notice which is mailed to the person is deemed received three days after mailing.

(c) Upon receipt of the officer's sworn statement, the department shall review the record. For purposes of this section, the scope of the administrative review shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153, whether the person was placed under arrest, whether the person refused to submit to, or did not complete, the test or tests after being requested by a peace officer, and whether, except for the persons described in subdivision (a) of Section 23157 who are incapable of refusing, the person had been told that his or her driving privilege would be

suspended if he or she refused to submit to, or did not complete, the test or tests.

(d) The person may request an administrative hearing pursuant to Section 13558. Except as provided in subdivision (e) of Section 13558, the request for an administrative hearing does not stay the order of suspension.

(e) If any person who was driving a commercial motor vehicle, as defined in Section 15210, refuses the officer's request to submit to, or fails to complete, a chemical test or tests pursuant to Section 23157, upon receipt of the officer's sworn statement that the officer had reasonable cause to believe the person had been driving a commercial motor vehicle, as defined in Section 15210, in violation of Section 23152 or 23153 and that the person had refused to submit to, or did not complete, the test or tests after being requested by the officer, the department shall suspend or revoke the person's privilege to operate a commercial motor vehicle for the period specified in Section 13352 for conviction of a violation of Section 23152, including any applicable enhancement for convictions of other separate offenses, as specified in that section. The officer's sworn statement shall be submitted on a form furnished by the department. Subdivisions (b), (c), and (d) apply to actions taken under this subdivision.

(f) This section shall become operative on January 1, 1992, and shall remain operative until the director determines that federal regulations adopted pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. Sec. 2701 et seq.) contained in Section 383.51 or 391.15 of Title 49 of the Code of Federal Regulations do not require the state to suspend a person's commercial driver's license if that person refuses to submit to testing of his or her blood for the concentration of alcohol therein.

(g) The director shall submit a notice of the determination under subdivision (f) to the Secretary of State, and this section shall be repealed upon the receipt of that notice by the Secretary of State.

SEC. 5. Section 13353 is added to the Vehicle Code, to read:

13353. (a) If any person refuses the officer's request to submit to, or fails to complete, a chemical test or tests pursuant to Section 23157, upon receipt of the officer's sworn statement that the officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153 and that the person had refused to submit to, or did not complete, the test or tests after being requested by the officer, the department shall (1) suspend the person's privilege to operate a motor vehicle for a period of six months, (2) suspend the person's privilege to operate a motor vehicle for a period of one year if the refusal occurred within seven years of a separate violation of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, which resulted in a conviction, or (3) suspend the person's privilege to operate a motor vehicle for a period of two years if the refusal

occurred within seven years of two or more separate violations of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, or any combination thereof, which resulted in convictions. The officer's sworn statement shall be submitted on a form furnished by the department pursuant to Section 23158.3. The suspension shall not become effective until 45 days after the giving of written notice thereof, or until the end of any stay of the suspension, as provided for in Section 13558.

(b) The notice of the order of suspension under this section may be served on the person by a peace officer pursuant to Section 23157. If the notice of the order of suspension has not been served by the peace officer pursuant to Section 23157, the department shall immediately notify the person in writing of the action taken. A notice which is mailed to the person is deemed received three days after mailing.

(c) Upon receipt of the officer's sworn statement, the department shall review the record. For purposes of this section, the scope of the administrative review shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153, whether the person was placed under arrest, whether the person refused to submit to, or did not complete, the test or tests after being requested by a peace officer, and whether, except for the persons described in subdivision (a) of Section 23157 who are incapable of refusing, the person had been told that his or her driving privilege would be suspended if he or she refused to submit to, or did not complete, the test or tests.

(d) The person may request an administrative hearing pursuant to Section 13558. Except as provided in subdivision (e) of Section 13558, the request for an administrative hearing does not stay the order of suspension.

(e) This section shall become operative only upon the receipt by the Secretary of State of the notice specified in subdivision (g) of Section 13353, as added by Section 4 of Senate Bill 1623 of the 1989-90 Regular Session

SEC. 6. Section 13353.1 of the Vehicle Code is amended and renumbered to read:

13354. (a) Notwithstanding Section 13366, if (1) an abstract of conviction is received by the department for an offense which requires the department to restrict, suspend, or revoke the privilege to operate a motor vehicle of a person after conviction or finding of a violation pursuant to Section 13352 or 13352.5, (2) there is a suspension of that person's privilege to operate a motor vehicle already in effect for refusal to consent to, or for failure to complete, a chemical test pursuant to Section 13353 or a suspension already in effect for driving with an excessive alcohol content in the person's blood pursuant to Section 13353.2, (3) that suspension is administratively final and resulted from the same arrest, and (4) the

sentencing court orders these restrictions, suspensions, revocations, or a combination thereof to run consecutively, then the restriction, suspension, or revocation resulting from the conviction or finding pursuant to Section 13352 or 13352.5 shall commence after the suspension already in effect pursuant to Section 13353 or 13353.2 has terminated, except as provided in subdivision (c) of Section 13353.3.

(b) Notwithstanding Section 13366, if (1) the department is required to suspend a person's privilege to operate a motor vehicle for refusal to consent to, or for failure to complete, a chemical test pursuant to Section 13353 or to suspend a person's privilege to operate a motor vehicle for driving with an excessive alcohol content in the person's blood pursuant to Section 13353.2, (2) there is a restriction, suspension, or revocation of the person's privilege to operate a motor vehicle already in effect for a conviction or finding of a violation pursuant to Section 13352 or 13352.5 which resulted from the same arrest, and (3) the sentencing court orders these restrictions, suspensions, revocations, or a combination thereof to run consecutively, then the suspension for refusal to consent to, or for failure to complete, the chemical test pursuant to Section 13353 or the suspension of that person's privilege to operate a motor vehicle already in effect for driving with an excessive alcohol content in the person's blood pursuant to Section 13353.2 shall commence after the restriction, suspension, or revocation already in effect pursuant to Section 13352 or 13352.5 has terminated, except as provided in subdivision (c) of Section 13353.3.

(c) The purpose of this section is to require that any suspension under Section 13353 or 13353.2 and any restriction, suspension or revocation under Section 13352 or 13352.5 resulting from the same arrest are cumulative and shall be imposed consecutively, if so ordered by the court.

SEC. 7. Section 13353.2 is added to the Vehicle Code, to read:

13353.2. (a) The department shall immediately suspend the privilege of any person to operate a motor vehicle if the person was driving or was in actual physical control of a motor vehicle when the person had 0.10 percent or more, by weight, of alcohol in his or her blood.

(b) The notice of the order of suspension under this section may be served on the person by a peace officer pursuant to Section 23158.5. If the notice of the order of suspension has not already been served upon the person by the peace officer pursuant to Section 23158.5, upon the receipt of the report of a peace officer submitted pursuant to Section 23158.3, the department shall mail written notice of the order of the suspension to the person at the last known address shown on the department's records and, if the address of the person provided by the peace officer's report differs from the address of record, to that address. A notice which is mailed to the person is deemed received three days after mailing.

(c) The notice of the order of suspension shall clearly specify the reason and statutory grounds for the suspension, the effective date

of the suspension, the right of the person to request an administrative hearing, the procedure for requesting an administrative hearing, and the date by which a request for an administrative hearing shall be made in order to receive a determination prior to the effective date of the suspension. The department shall provide forms for the temporary permit to operate a motor vehicle and for the notice of the order of suspension for the use by peace officers pursuant to Section 23157 or 23153.5.

(d) The department shall make a determination of the facts in subdivision (a) on the basis of the report of a peace officer submitted pursuant to Section 23158.3. The determination of the facts, after administrative review pursuant to Section 13557, by the department is final, unless an administrative hearing is held pursuant to Section 13558 and any judicial review of the administrative determination after the hearing pursuant to Section 13559 is final.

(e) If, after administrative review pursuant to Section 13557, the department determines that the person's privilege to operate a motor vehicle is not subject to suspension under this section, the department shall notify the person of its determination, shall rescind any order of suspension served on the person, and, pursuant to subdivision (b) of Section 13551, shall return or reissue for the remaining term any driver's license which has been taken from the person pursuant to Section 23158.5 or otherwise. No fee shall be imposed pursuant to Section 14905 for the return or reissuing of a driver's license pursuant to this subdivision.

(f) The determination of the facts in subdivision (a) a civil matter which is independent of the determination shall have no collateral estoppel effect on a subsequent criminal prosecution and shall not preclude the litigation of the same or similar facts in the criminal proceeding. If a person is acquitted of criminal charges relating to a determination of facts under subdivision (a), the department shall immediately reinstate the person's privilege to operate a motor vehicle if the department has suspended it administratively pursuant to subdivision (a), and the department shall return or reissue for the remaining term any driver's license which has been taken from the person pursuant to Section 23158.5 or otherwise. No fee shall be imposed pursuant to Section 14905 for the return or reissuing of a driver's license pursuant to this subdivision. The disposition of a suspension action under this section does not affect any action to suspend or revoke the person's privilege to operate a motor vehicle under any other provision of this code, including, but not limited to, Section 13352 or 13353, or Chapter 3 (commencing with Section 13800).

SEC. 8. Section 13353.3 is added to the Vehicle Code, to read:

13353.3. (a) An order of suspension of a person's privilege to operate a motor vehicle pursuant to Section 13353.2 shall become effective 45 days after the person is served with the notice pursuant to Section 23158.5 or is deemed to have received the notice by mail as provided in subdivision (b) of Section 13353.2

(b) The period of suspension of a person's privilege to operate a motor vehicle under Section 13353.2 is as follows:

(1) Except as provided in Section 13353.6, if the driving record for the person does not show that the person has been convicted of a separate violation of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, or that the person has been administratively determined to have refused chemical testing pursuant to Section 13353 or to have been driving with an excessive concentration of alcohol pursuant to Section 13353.2 on a separate occasion, which offense or occurrence occurred within seven years of the occasion in question, the person's privilege to operate a motor vehicle shall be suspended for four months.

(2) If the driving record for the person shows that the person has been convicted of one or more separate violations of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, or that the person has been administratively determined to have refused chemical testing pursuant to Section 13353 or to have been driving with an excessive concentration of alcohol pursuant to Section 13353.2 on a separate occasion, which offense or occurrence occurred within seven years of the occasion in question, the person's privilege to operate a motor vehicle shall be suspended for one year.

(3) A conviction of an offense in any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or the Dominion of Canada which, if committed in this state would be a violation of Section 23152, is a conviction of Section 23152 for purposes of this section, and a conviction of an offense which, if committed in this state, would be a violation of Section 23153, including a violation described in Section 23156, is a conviction of Section 23153 for purposes of this section.

(c) If a person's privilege to operate a motor vehicle is suspended pursuant to Section 13353.2 and the person is convicted of a violation of Section 23152 or 23153, including a violation described in Section 23156, arising out of the same occurrence, both the suspension under Section 13353.2 and the suspension or revocation under Section 13352 shall be imposed, except that, notwithstanding Section 13354, the periods of suspension or revocation shall run concurrently, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods. This subdivision shall not affect a suspension pursuant to Section 13353 for refusal to submit to chemical testing or the imposition of consecutive periods of suspension or revocation pursuant to Section 13354 for that refusal.

SEC. 9. Section 13353.4 is added to the Vehicle Code, to read:

13353.4. (a) Except as provided in subdivision (b) of Section 13353.6 or Section 13353.7, the driving privilege shall not be restored, and no restricted or hardship permit to operate a motor vehicle shall

be issued, to a person during the suspension period specified in Section 13353 or 13353.3

(b) The privilege to operate a motor vehicle shall not be restored after a suspension or revocation pursuant to Section 13352, 13353, or 13353.2 until all applicable reinstatement fees, including the fees prescribed in Section 14905, have been paid.

(c) The privilege to operate a motor vehicle shall not be restored after a suspension or revocation pursuant to Section 13352 until the person gives proof satisfactory to the department of successful completion of a program approved pursuant to Section 23161 if the person is ordered to attend the program pursuant to that section, or successful completion of a program approved pursuant to Chapter 9 (commencing with Section 11837) of Part 2 of Division 10.5 of the Health and Safety Code for any other person whose driving privilege is suspended or revoked pursuant to Section 13352.

SEC. 10. Section 13353.6 is added to the Vehicle Code, to read:

13353.6. (a) If the person's driver's license is a commercial driver's license, as defined in Section 15210, and if the person's driving record does not show that the person has had a separate violation of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, notwithstanding Section 13551, the department shall, upon receiving the officer's sworn statement and the receipt of the person's driver's license and after review pursuant to subdivision (d) of Section 13353.2, suspend the person's privilege to operate a motor vehicle for 30 days, and then reissue the person a commercial driver's license with restrictions, as follows

(1) The restricted commercial driver's license shall authorize the operation of a motor vehicle only to and from, and in the course and scope of, the person's employment.

(2) The term of the restricted license is 30 days after the date that the order of suspension is effective pursuant to Section 13353.3 until six months after that date.

(b) The person may be issued an unrestricted commercial driver's license after the term of restriction under this section.

(c) This section applies only to the holder of a commercial driver's license who was not operating a commercial vehicle, as defined in Section 15210, at the time of the offense

SEC. 11 Section 13353.7 is added to the Vehicle Code, to read:

13353.7. (a) Subject to subdivision (c) and except as provided in Section 13353.6 for persons who have commercial driver's licenses, if the driving record of the person whose driving privilege has been suspended under Section 13353.2 does not show that the person has been convicted of, or found to have committed a separate violation of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, which offense or occurrence occurred within seven years of the occasion in question,

if the person subsequently enrolls in a program described in subdivision (b) of Section 23161 or subparagraph (A) of paragraph (4) of subdivision (b) of Section 23166, that person may apply to the department for a restricted driver's license limited to travel to and from the activities required by the program. After receiving proof of enrollment in the program, and if the person's driving record does not show an arrest, subsequent to the offense for which the person's driving privilege has been suspended under Section 13353.2, for a violation of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, notwithstanding Section 13551, the department shall, after review pursuant to Section 13557, suspend the person's privilege to operate a motor vehicle for 30 days and then issue the person a restricted driver's license under the following conditions

(1) The program shall report any failure to participate in the program to the department and shall certify successful completion of the program to the department.

(2) The person gives proof of ability to respond in damages as defined in Section 16430.

(3) The restricted driver's license authorizes the operation of a motor vehicle only to and from the activities required under the program.

(4) If any person who has been issued a restricted license under this section fails at any time to participate in the program, the department shall revoke the restricted license immediately. The department shall give notice of the revocation under this paragraph in the same manner as prescribed in subdivision (b) of Section 13352.2, which is effective upon receipt by the person.

(5) On or after 60 days after the effective date of the restricted license, and upon notification of successful completion of the program, the department may issue an unrestricted driver's license to the person.

(b) If the court of jurisdiction in a criminal action arising out of the same offense orders the department to suspend or revoke the person's privilege to operate a motor vehicle or does not grant probation after conviction of that offense, notwithstanding subdivision (a), the department shall suspend or revoke the person's privilege pursuant to the order of the court or Section 13352.

(c) This section does not apply to a person whose driving record shows that the person's driving privilege has previously been suspended pursuant to Section 13353 or 13353.2 or as a result of a conviction of a separate violation of Section 23102, as specified in Section 23103.5, Section 23152, or Section 23153, which offense occurred within seven years of the offense in question. This subdivision shall be operative only so long as a one-year suspension of the driving privilege for a second or subsequent occurrence or offense, with no restricted or hardship licenses permitted, is required by Section 408 or 410 of Title 23 of the United States Code.

SEC. 12. Section 13551 of the Vehicle Code is amended to read:

13551. (a) Whenever the department revokes or suspends the privilege of any person to operate a motor vehicle, the revocation or suspension shall apply to all driver's licenses held by that person, and, unless previously surrendered to the court, all of those licenses shall be surrendered to the department, or, pursuant to Section 23157 or 23158.5, to a peace officer on behalf of the department. Whenever the department cancels a driver's license, the license shall be surrendered to the department. All suspended licenses shall be retained by the department. The department shall return the license to the licensee, or may issue the person a new license upon the expiration of the period of suspension or revocation.

(b) The department shall return the license to the licensee, or may issue the person a new license, whenever the department determines that the grounds for suspension, revocation, or cancellation did not exist at the time the action was taken.

SEC. 13. Section 13557 is added to the Vehicle Code, to read:

13557 (a) The department shall review the determination made pursuant to Section 13353 or 13353.2 relating to any person who has received a notice of an order of suspension of the person's privilege to operate a motor vehicle pursuant to Section 13353, 13353.2, 23157, or 23158.5. The department shall consider the sworn report submitted by the peace officer pursuant to Section 23157 or 23158.2 and any other evidence accompanying the report.

(b) (1) If the department determines in the review of a determination made under Section 13353, by a preponderance of the evidence, that the peace officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153, the person was placed under arrest, the person refused or failed to complete the chemical test or tests after being requested by a peace officer, and, except for the persons described in Section 23157 who are incapable of refusing, the person had been told that his or her privilege to operate a motor vehicle would be suspended if he or she refused to submit to, and complete, the required testing, the department shall sustain the order of suspension. If the department determines, by a preponderance of the evidence, that any of those facts were not proven, the department shall rescind the order of suspension and return or reissue the person's driver's license pursuant to Section 13551. The determination of the department upon administrative review is final unless a hearing is requested pursuant to Section 13558.

(2) If the department determines in the review of a determination made under Section 13353.2, by the preponderance of the evidence, that the person was driving or was in actual physical control of a motor vehicle when the person had 0.10 percent or more, by weight, of alcohol in his or her blood, the department shall sustain the order of suspension. If the department determines, by the preponderance of the evidence that the person was not driving or in actual physical control of a motor vehicle or did not have 0.10

percent or more, by weight, of alcohol in his or her blood, the department shall rescind the order of suspension and return or reissue the person's driver's license pursuant to Section 13551. The determination of the department upon administrative review is final unless a hearing is requested pursuant to Section 13558.

(c) The department shall make the determination upon administrative review before the effective date of the order of suspension.

(d) The administrative review does not stay the suspension of a person's privilege to operate a motor vehicle. If the department is unable to make a determination on administrative review within the time limit in subdivision (c), the department shall stay the effective date of the order of suspension pending the determination and, if the person's driver's license has been taken by the peace officer pursuant to Section 23157 or 23158.5, the department shall notify the person before the expiration date of the temporary permit issued pursuant to Section 23157 or 23158.5, or the expiration date of any previous extension issued pursuant to this subdivision, in a form that permits the person to establish to any peace officer that his or her privilege to operate a motor vehicle is not suspended.

(e) A person may request and be granted a hearing pursuant to Section 13358 without first receiving the results of an administrative review pursuant to this section. After receiving a request for a hearing, the department is not required to conduct an administrative review of the same matter pursuant to this section.

(f) A determination of facts by the department under this section shall have no collateral estoppel effect on a subsequent criminal prosecution and shall not preclude litigation of those same facts in the criminal proceeding.

SEC. 14. Section 13558 is added to the Vehicle Code, to read:

13558. (a) Any person, who has received a notice of an order of suspension of the person's privilege to operate a motor vehicle pursuant to Section 13353, 13353.2, 23157, or 23158.5 or a notice pursuant to Section 13557, may request a hearing on the matter pursuant to Article 3 (commencing with Section 14100) of Chapter 3, except as otherwise provided in this section.

(b) If the person wishes to have a hearing before the effective date of the order of suspension, the request for a hearing shall be made within 10 days of the receipt of the notice of the order of suspension. Notwithstanding Section 14107, the hearing shall be held at a place designated by the department as close as practicable to the place where the arrest occurred, unless the parties agree to a different location. The evidence at the hearing shall not be limited to the evidence presented at an administrative review pursuant to Section 13557, if any.

(c) (1) The only issues at the hearing of an order of suspension pursuant to Section 13353 shall be whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23152 or 23153, the person was placed

under arrest, the person refused or failed to complete the chemical test or tests after being requested by a peace officer, and, except for the persons described in Section 23157 who are incapable of refusing, the person had been told that his or her privilege to operate a motor vehicle would be suspended if he or she refused to submit to, and complete, the required testing. Notwithstanding Section 14106 or 14110, the period of suspension specified in Section 13353 shall not be reduced and, notwithstanding Section 14105.5, the effective date of the order of suspension shall not be stayed pending review at a hearing pursuant to this section.

(2) The only issues at the hearing of an order of suspension pursuant to Section 13353.2 shall be whether the person was driving or in actual physical control of a motor vehicle when the person had 0.10 percent or more, by weight, of alcohol in his or her blood. Notwithstanding Section 14106 or 14110, the period of suspension specified in Section 13353.3 shall not be reduced.

(d) (1) The department shall hold the administrative hearing before the effective date of the order of suspension if the request for the hearing is received by the department on or before 15 days after the person's receipt of the service of the notice of the order of suspension pursuant to Section 13352.2 or 23158.5.

(2) If the request for an administrative hearing is received by the department after 15 days after the person's receipt of service, the department shall make its determination within 15 days of the department's receipt of the request for administrative hearing.

(e) A request for an administrative hearing does not stay the suspension of a person's privilege to operate a motor vehicle. However, the person's driving privilege shall be restored and his or her driver's license shall be returned upon appearance at the hearing, and shall be resuspended only upon a finding that the person's driving privilege was properly suspended and the license properly taken. If the department does not conduct an administrative hearing to make a determination after an administrative hearing within the time limit in paragraph (1) of subdivision (d), the department shall stay the effective date of the order of suspension pending the determination and, if the person's driver's license has been taken by the peace officer pursuant to Section 23157 or 23158.5, the department shall notify the person before the expiration date of the temporary permit issued pursuant to Section 23157 or 23158.5, or the expiration date of any previous extension issued pursuant to this subdivision, in a form that permits the person to establish to any peace officer that his or her privilege to operate a motor vehicle is not suspended.

(f) The department shall give written notice of its determination pursuant to Section 14111. If the department determines, upon a hearing of the matter, to suspend the person's privilege to operate a motor vehicle, notwithstanding the term of any temporary permit issued pursuant to Section 23157 or 23158.5, the temporary permit shall be revoked and the suspension of the person's privilege to

operate a motor vehicle shall become effective five days after receipt by the person of the department's notification of that suspension. A notice which is mailed to the person is deemed received three days after mailing. If the department sustains the order of suspension, the department shall include notice that the person has a right to review by the court pursuant to Section 13559.

(g) A determination of facts by the department upon a hearing pursuant to this section shall have no collateral estoppel effect on a subsequent criminal prosecution and shall not preclude litigation of those same facts in the criminal proceeding.

SEC. 15. Section 13559 is added to the Vehicle Code, to read:

13559. (a) Notwithstanding Section 14400 or 14401, within 30 days of the issuance of the notice of determination of the department sustaining an order of suspension of the person's privilege to operate a motor vehicle after the hearing pursuant to Section 13558, the person may file a petition for review of the order in the court of competent jurisdiction in the person's county of residence. The filing of a petition for judicial review shall not stay the order of suspension. The review shall be on the record at the hearing and the court shall not consider other evidence. If the court finds that the department exceeded its constitutional or statutory authority, made an erroneous interpretation of the law, acted in an arbitrary and capricious manner, or made a determination which is not supported by the evidence in the record, the court may order the department to rescind the order of suspension and return, or reissue a new license to, the person.

(b) A finding by the court after a review pursuant to this section shall have no collateral estoppel effect on a subsequent criminal prosecution and shall not preclude litigation of those same facts in the criminal proceeding.

SEC. 16. Section 14100 of the Vehicle Code is amended to read:

14100. (a) Whenever the department has given notice or has taken or proposes to take action under Section 13353, 13353.2, 13950, 13951, 13952, or 13953, the person receiving the notice or subject to the action taken or proposed to be taken may, in writing and within 10 days, either demand an informal hearing or a formal hearing which shall be granted, except as provided in Section 14101 or 14102.

(b) An application for a hearing shall not operate to stay the action by the department for which notice is given.

SEC. 17. Section 14601.2 of the Vehicle Code is amended to read:

14601.2. (a) No person shall drive a motor vehicle at any time when that person's driving privilege is suspended or revoked for a conviction of a violation of Section 23152 or 23153, and when the person so driving has knowledge of the suspension or revocation.

(b) Except in full compliance with the restriction, no person shall drive a motor vehicle at any time when that person's driving privilege is restricted pursuant to Article 2 (commencing with Section 23152) of Chapter 12 of Division 11, and when the person so driving has knowledge of the restriction.

(c) Knowledge of suspension or revocation of the driving privilege shall be presumed if notice has been given by the department to the person and knowledge of restriction of the driving privilege shall be presumed if notice has been given by the court to the person. The presumption established by this subdivision is a presumption affecting the burden of proof.

(d) Any person convicted of a violation of this section shall be punished as follows:

(1) Upon a first conviction, by imprisonment in the county jail for not less than 10 days or more than six months and by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000), unless the person has been designated an habitual traffic offender under subdivision (b) of Section 23170 or subdivision (b) of Section 23175, in which case the person shall, in addition, be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(2) If the offense occurred within five years of a prior offense which resulted in a conviction of a violation of this section or Section 14601, by imprisonment in the county jail for not less than 30 days or more than one year and by a fine of not less than five hundred dollars (\$500) or more than two thousand dollars (\$2,000), unless the person has been designated an habitual traffic offender under subdivision (b) of Section 23170 or subdivision (b) of Section 23175, in which case the person shall, in addition, be sentenced as provided in paragraph (3) of subdivision (e) of Section 14601.3.

(e) If any person is convicted of a first offense under this section and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 10 days.

(f) If the offense occurred within five years of a prior offense which resulted in a conviction of a violation of this section or Section 14601 and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 30 days.

(g) If any person is convicted of a second or subsequent offense which results in a conviction of this section within seven years, but over five years, of a prior offense which resulted in a conviction of a violation of this section or Section 14601 or 14601.1 and is granted probation, the court shall impose as a condition of probation that the person be confined in the county jail for at least 10 days.

(h) Nothing in this section prohibits a person who is participating in, or has completed, an alcohol or drug rehabilitation program from driving a motor vehicle, which is owned or utilized by the person's employer, during the course of employment on private property which is owned or utilized by the employer, except an offstreet parking facility as defined in subdivision (c) of Section 12500.

(i) Nothing in this section prohibits a person with a suspended license from driving a motor vehicle when emergency medical service is needed immediately.

SEC. 18. Section 14905 is added to the Vehicle Code, to read:

14905. (a) Notwithstanding any other provision of this code, in lieu of the fees in Section 14904, before a driver's license may be issued, reissued, or returned to a person after suspension of the person's privilege to operate a motor vehicle pursuant to Section 13353 or 13353.2, there shall be paid to the department a fee in an amount determined by the department to be sufficient to pay the costs of the administration of the administrative suspension programs for persons who refuse or fail to complete chemical testing, as provided in Section 13353, or who drive with an excessive amount of alcohol in their blood, as provided in Section 13353.2, any costs of the Department of the California Highway Patrol related to the payment of compensation for overtime for attending any administrative hearings pursuant to Article 3 (commencing with Section 14100) of Chapter 3 and Section 23158.5, and any reimbursement for costs mandated by the state pursuant to subdivisions (f) and (g) of Section 23157 and Sections 23158.2 and 23158.5, as added by Senate Bill 1623 of the 1989-90 Regular Session of the Legislature, not to exceed one hundred dollars (\$100).

(b) This section does not apply to a suspension that is set aside by the department or a court.

SEC. 19. Section 23157 of the Vehicle Code is amended to read:

23157. (a) (1) Any person who drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood, breath, or urine for the purpose of determining the alcoholic content of his or her blood, and to have given his or her consent to chemical testing of his or her blood or urine for the purpose of determining the drug content of his or her blood, if lawfully arrested for any offense allegedly committed in violation of Section 23152 or 23153. The testing shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe the person was driving a motor vehicle in violation of Section 23152 or 23153. The person shall be told that his or her failure to submit to, or the failure to complete, the required chemical testing will result in a fine, mandatory imprisonment if the person is convicted of a violation of Section 23152 or 23153, and (A) the suspension of the person's privilege to operate a motor vehicle for a period of six months, (B) the suspension of the person's privilege to operate a motor vehicle for a period of one year if the refusal occurs within seven years of a separate violation of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code which resulted in a conviction, or (C) the suspension of the person's privilege to operate a motor vehicle for a period of two years if the refusal occurs within seven years of two or more separate violations of Section 23103 as specified in Section 23103.5, Section 23152, or Section 23153 of this code, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, or any combination thereof, which resulted in a conviction.

(2) (A) If the person is lawfully arrested for driving under the influence of an alcoholic beverage, the person has the choice of whether the test shall be of his or her blood, breath, or urine, and the officer shall advise the person that he or she has that choice. If the person arrested either is incapable, or states that he or she is incapable, of completing any chosen test the person shall submit to the person's choice of the remaining tests or test, and the officer shall advise the person that the person has that choice.

(B) If the person is lawfully arrested for driving under the influence of any drug or the combined influence of an alcoholic beverage and any drug, the person has the choice of whether the test shall be of his or her blood, breath, or urine, and the officer shall advise the person that he or she has that choice.

(C) A person who chooses to submit to a breath test may also be requested to submit to a blood or urine test if the officer has reasonable cause to believe that the person was driving under the influence of any drug or the combined influence of an alcoholic beverage and any drug and if the officer has a clear indication that a blood or urine test will reveal evidence of the person being under the influence. The officer shall state in his or her report the facts upon which that belief and that clear indication are based. The person has the choice of submitting to and completing a blood or urine test, and the officer shall advise the person that he or she is required to submit to an additional test and that he or she may choose a test of either blood or urine. If the person arrested either is incapable, or states that he or she is incapable, of completing either chosen test, the person shall submit to and complete the other remaining test.

(3) If the person is lawfully arrested for an offense allegedly committed in violation of Section 23152 or 23153, and, because of the need for medical treatment, the person is first transported to a medical facility where it is not feasible to administer a particular test of, or to obtain a particular sample of, the person's blood, breath, or urine, the person has the choice of those tests which are available at the facility to which that person has been transported. In such an event, the officer shall advise the person of those tests which are available at the medical facility and that the person's choice is limited to those tests which are available.

(4) The officer shall also advise the person that he or she does not have the right to have an attorney present before stating whether he or she will submit to a test or tests, before deciding which test or tests to take, or during administration of the test or tests chosen, and that, in the event of refusal to submit to a test or tests, the refusal may be used against him or her in a court of law.

(5) Any person who is unconscious or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn his or her consent and a test or tests may be administered whether or not the person is told that his or her failure to submit to, or the noncompletion of, the test or tests will result in the suspension

of his or her privilege to operate a motor vehicle. Any person who is dead is deemed not to have withdrawn his or her consent and a test or tests may be administered at the direction of a peace officer.

(b) Any person who is afflicted with hemophilia is exempt from the blood test required by this section.

(c) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a licensed physician and surgeon is exempt from the blood test required by this section.

(d) A person lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle in violation of Section 23152 or 23153 may request the arresting officer to have a chemical test made of the arrested person's blood, breath, or urine for the purpose of determining the alcoholic content of that person's blood, and, if so requested, the arresting officer shall have the test performed.

(e) If the person, who has been arrested for a violation of Section 23152 or 23153, refuses or fails to complete a chemical test or tests, or requests that a blood or urine test be taken, the peace officer, acting on behalf of the department, shall serve the notice of the order of suspension of the person's privilege to operate a motor vehicle personally on the arrested person. The notice shall be on a form provided by the department and served in accordance with regulations adopted by the department.

(f) If the peace officer serves the notice of the order of suspension of the person's privilege to operate a motor vehicle, the peace officer shall take possession of any driver's license issued by this state which is held by the person. When the officer takes possession of a valid driver's license, the officer shall issue, on behalf of the department, a temporary permit to operate a motor vehicle on the form provided by the department. The temporary permit is valid for 45 days from its date of issuance. The temporary permit shall be an endorsement on the notice of the order of suspension.

(g) The peace officer shall immediately forward a copy of the completed notice of suspension form, a copy or any completed temporary permit form, and any driver's license taken into possession under subdivision (b), with the report required by Section 23158.2, to the department. If the person submitted to a blood or urine test, the peace officer shall cause the results of the chemical test to be forwarded to the department within 20 calendar days of the date of the arrest.

SEC. 20. Section 23158.2 is added to the Vehicle Code, to read:

23158.2. (a) If a peace officer arrests any person for a violation of Section 23152 or 23153, the peace officer shall immediately forward to the department a sworn report of all information relevant to the enforcement action, including information which adequately identifies the arrested person, a statement of the officer's grounds for belief that the person violated Section 23152 or 23153, a report of the results of any chemical tests which were conducted on the person or the circumstances constituting a refusal to submit to or complete the

chemical testing pursuant to Section 23157, a copy of any notice to appear under which the person was released from custody, and, if immediately available, a copy of the complaint filed with the court. For purposes of this section and subdivision (g) of Section 23157, "immediately" means on or before the end of the fifth ordinary business day following the arrest.

(b) The report shall be made on forms supplied by the department or in a manner specified by regulations of the department.

SEC. 21. Section 23158.5 is added to the Vehicle Code, to read:

23158.5. (a) If the chemical test results for a person, who has been arrested for a violation of Section 23152 or 23153, show that the person has 0.10 percent or more, by weight, of alcohol in the person's blood, the peace officer, acting on behalf of the department, shall serve a notice of suspension of the person's privilege to operate a motor vehicle personally on the arrested person.

(b) If the peace officer serves the notice of suspension, the peace officer shall take possession of any driver's license issued by this state which is held by the person. When the officer takes possession of a valid driver's license, the officer shall issue, on behalf of the department, a temporary permit to operate a motor vehicle on a form provided by the department. The temporary permit is valid for 45 days from its date of issuance.

(c) The peace officer shall immediately forward a copy of the completed notice of suspension form, a copy of any completed temporary permit form, and any driver's license taken into possession under subdivision (b), with the report required by Section 23158.2, to the department.

SEC. 22. This act shall become operative on July 1, 1990.

SEC. 23. Sections 3, 4, and 5 of this bill incorporate amendments to Section 13353 of the Vehicle Code proposed by this bill and SB 1119. They shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1990, (2) each bill amends or amends, repeals, and adds Section 13353 of the Vehicle Code, and (3) this bill is enacted after SB 1119, in which case Section 13353 of the Vehicle Code, as amended by Section 3 of this bill shall remain operative only until the operative date of Section 4 of this bill, at which time Sections 4 and 5 of this bill shall become operative as provided in those sections, and Section 2 of this bill shall not become operative.

SEC. 24. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Upon certification by the State Board of Control of the statewide cost

of the claims for reimbursement for the costs mandated by the state, which were paid from (a) the General Fund or (b) the State Mandates Claims Fund, the Controller shall transfer from the Motor Vehicle Account to the fund from which the claims were paid an amount sufficient to cover those state-mandated costs. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 25. The sum of four million eight hundred thousand dollars (\$4,800,000) is hereby appropriated from the Motor Vehicle Account in the State Transportation Fund to the Department of Motor Vehicles to implement the program of administrative suspension of driver's licenses of persons arrested for unlawful driving involving alcohol pursuant to Sections 13353 and 13353.2 of the Vehicle Code.

CHAPTER 1461

An act to amend Sections 18035.5, 24953.3, and 25111 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. Section 18035.5 of the Revenue and Taxation Code is amended to read:

18035.5. (a) If a qualified housing project is sold or disposed of by the taxpayer in an approved disposition, then, at the election of the taxpayer, gain from that approved disposition shall not be recognized to the extent specified in subdivision (c). An election made under this section shall be made at the time and in the manner specified by the Franchise Tax Board in forms and instructions.

(b) For purposes of this section:

(1) "Qualified housing project" means a project providing rental or cooperative housing for lower income families subject to any of the following with respect to which the owner is, under those sections or regulations issued thereunder limited as to the rate of return on his or her investment in the project, and limited as to rentals or occupancy charges for units in the project:

(A) A mortgage insured by the United States Department of Housing and Urban Development under either Section 202, 213, 221(d)(3), 231, 236, or 608 of the National Housing Act.

(B) A mortgage securing a direct loan from the Farmers Home Administration of the United States Department of Agriculture under either Section 514 or 515 of the Housing Act of 1949.

(C) A Housing Assistance Payments contract under Section 8 of the United States Housing Act of 1937, where that contract provides a project-based subsidy under the New Construction, Moderate Rehabilitation, Substantial Rehabilitation, or Loan Management programs.

(2) "Approved disposition" means a sale or other disposition of a qualified housing project to a qualified entity as defined in this subdivision and subject to specific use restrictions, as defined in this subdivision.

(3) "Qualified entities" include any of the following:

(A) A nonprofit corporation that has obtained tax-exempt status under either Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code

(B) A public agency or unit of state or local government.

(C) A limited equity cooperative formed pursuant to Section 33007.5 of the Health and Safety Code.

(D) A limited partnership, of which a general partner is one of the above qualified entities, or an affiliate thereof, where a majority of the board of directors of the affiliate is appointed or removable by the qualified entity or where the qualified entity owns a majority of the voting shares of the affiliate, so long as the partnership agreement limits the annual rate of return to investors to 8 percent of their capital contributions.

(4) A qualified entity acquiring a qualified housing project shall agree for the useful life of the project to all of the following conditions and restrictions:

(A) To assume the obligations imposed by any loan agreement, mortgage, subsidy contract, or regulatory agreement on the project.

(B) To restrict occupancy in accordance with the threshold requirements of Section 42(g) of the Internal Revenue Code where less than all of the units in the projects are occupied by tenants whose incomes make the project eligible for the tax credit under Section 42 of the Internal Revenue Code.

(C) To accept all available rent subsidies on behalf of tenants in the project.

(D) Not to evict tenants without a showing of good cause.

(E) Not to arbitrarily discriminate against applicants for admission on the basis of family income or any other basis prohibited by law.

(F) To establish rents for the project not exceeding those required by the terms of any subsidy program utilized at the project or the rent restrictions required by Section 42 of the Internal Revenue Code, whichever is less.

(G) To be subject to continued regulation by federal or state housing agencies or the Department of Housing and Community Development to ensure compliance with these regulatory requirements.

(H) To restrict occupancy in accordance with this paragraph by a deed restriction running with the land and enforceable by the

Department of Housing and Community Development. Any regulatory agreement establishing these occupancy restrictions shall be deemed a contract and shall be enforceable by affected tenants as third-party beneficiaries thereto.

(c) (1) Where all units in the project are used in accordance with the standards specified in paragraph (4) of subdivision (b), and all of the units are occupied by tenants whose incomes make the project eligible for the tax credit under Section 42 of the Internal Revenue Code, then 50 percent of the gain, which would otherwise be recognized, shall not be recognizable to any extent.

(2) So long as the threshold requirements of Section 42(g) of the Internal Revenue Code are met, where less than all of the units in the project are occupied by tenants whose incomes make the project eligible for the tax credit under Section 42 of the Internal Revenue Code, then the gain shall not be recognized in accordance with the formulas for allocating the low-income housing tax credit, as provided in Section 42 of the Internal Revenue Code.

(d) Upon the receipt of information that a qualified entity is failing to use the project in accordance with the requirements of paragraph (4) of subdivision (b), then the Department of Housing and Community Development shall conduct an investigation of the allegations. If the department determines that the qualified entity is utilizing good faith efforts to use the units in the project to the maximum extent possible in accordance with the restrictions specified in paragraph (4) of subdivision (b), and it is not economically feasible to utilize all units in that fashion, then the department shall not seek to remedy the alleged violation. If the department determines that there exists an unjustified violation of the restrictions specified in paragraph (4) of subdivision (b), then the department shall pursue whatever remedies are specified by law for that violation, including the imposition of a receivership to operate the project in accordance with the requirements of this section and recovery of a penalty from the qualified entity in the amount of the capital gains tax that was not recognized and penalties and interest for delinquent taxes as otherwise provided by law.

(e) No project on which 50 percent of the capital gains has been nonrecognized pursuant to subdivision (c) shall be sold or otherwise disposed of without the prior written approval of the Department of Housing and Community Development. In giving that approval, the department shall ensure that the project shall continue to be subject to the requirements of paragraph (2) of subdivision (b) or that any net proceeds of the sale are utilized for charitable low-income housing purposes. In determining what constitutes the net proceeds of the sale, where the seller is a qualified limited partnership entity under subparagraph (D) of paragraph (3) of subdivision (b), the Department of Housing and Community Development shall consider the terms of the partnership agreement.

(f) This section shall remain in effect only until January 1, 1990, and as of that date is repealed, unless a later enacted statute, which

is enacted before January 1, 1990, deletes or extends that date.

SEC. 2. Section 24953.5 of the Revenue and Taxation Code is amended to read:

24953.5. (a) If a qualified housing project is sold or disposed of by the taxpayer in an approved disposition, then, at the election of the taxpayer, gain from that approved disposition shall not be recognized to the extent specified in subdivision (c). An election made under this section shall be made at the time and in the manner specified by the Franchise Tax Board in forms and instructions.

(b) For purposes of this section:

(1) "Qualified housing project" means a project providing rental or cooperative housing for lower income families subject to any of the following with respect to which the owner is, under those sections or regulations issued thereunder limited as to the rate of return on his or her investment in the project, and limited as to rentals or occupancy charges for units in the project:

(A) A mortgage insured by the United States Department of Housing and Urban Development under either Section 202, 213, 221(d)(3), 231, 236, or 608 of the National Housing Act.

(B) A mortgage securing a direct loan from the Farmers Home Administration of the United States Department of Agriculture under either Section 514 or 515 of the Housing Act of 1949.

(C) A Housing Assistance Payments contract under Section 8 of the United States Housing Act of 1937, where that contract provides a project-based subsidy under the New Construction, Moderate Rehabilitation, Substantial Rehabilitation, or Loan Management programs.

(2) "Approved disposition" means a sale or other disposition of a qualified housing project to a qualified entity as defined in this subdivision and subject to specific use restrictions, as defined in this subdivision.

(3) "Qualified entities" include any of the following:

(A) A nonprofit corporation that has obtained tax-exempt status under either Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

(B) A public agency or unit of state or local government.

(C) A limited-equity cooperative formed pursuant to Section 33007.5 of the Health and Safety Code.

(D) A limited partnership, of which a general partner is one of the above qualified entities, or an affiliate thereof, where a majority of the board of directors of the affiliate is appointed or removable by the qualified entity or where the qualified entity owns a majority of the voting shares of the affiliate, so long as the partnership agreement limits the annual rate of return to investors to 8 percent of their capital contributions.

(4) A qualified entity acquiring a qualified housing project shall agree, for the useful life of the project, to all of the following conditions and restrictions:

(A) To assume the obligations imposed by any loan agreement,

mortgage, subsidy contract, or regulatory agreement on the project.

(B) To restrict occupancy in accordance with the threshold requirements of Section 42(g) of the Internal Revenue Code where less than all of the units in the projects are occupied by tenants whose income make the project eligible for the tax credit under Section 42 of the Internal Revenue Code.

(C) To accept all available rent subsidies on behalf of tenants in the project.

(D) Not to evict tenants without a showing of good cause.

(E) Not to arbitrarily discriminate against applicants for admission on the basis of family income or any other basis prohibited by law.

(F) To establish rents for the project not exceeding those required by the terms of any subsidy program utilized at the project or the rent restrictions required by Section 42 of the Internal Revenue Code, whichever is less.

(G) To be subject to continued regulation by federal or state housing agencies or the Department of Housing and Community Development to ensure compliance with these regulatory requirements.

(H) To restrict occupancy in accordance with this paragraph by a deed restriction running with the land and enforceable by the Department of Housing and Community Development. Any regulatory agreement establishing these occupancy restrictions shall be deemed a contract and shall be enforceable by affected tenants as third-party beneficiaries thereto.

(c) (1) Where all units in the project are used in accordance with the standards specified in paragraph (4) of subdivision (b), and all of the units are occupied by tenants whose incomes make the project eligible for the tax credit under Section 42 of the Internal Revenue Code, then 50 percent of the gain, which would otherwise be recognized, shall not be recognizable to any extent.

(2) So long as the threshold requirements of Section 42(g) of the Internal Revenue Code are met, where less than all of the units in the project are occupied by tenants whose incomes make the project eligible for the tax credit under Section 42 of the Internal Revenue Code, then the gain shall not be recognized in accordance with the formulas for allocating the low-income housing tax credit, as provided in Section 42 of the Internal Revenue Code.

(d) Upon the receipt of information that a qualified entity is failing to use the project in accordance with the requirements of paragraph (4) of subdivision (b), then the Department of Housing and Community Development shall conduct an investigation of the allegations. If the department determines that the qualified entity is utilizing good faith efforts to use the units in the project to the maximum extent possible in accordance with the restrictions specified in paragraph (4) of subdivision (b), and it is not economically feasible to utilize all units in that fashion, then the department shall not seek to remedy the alleged violation. If the

department determines that there exists an unjustified violation of the restrictions specified in paragraph (4) of subdivision (b), then the department shall pursue whatever remedies are specified by law for that violation, including the imposition of a receivership to operate the project in accordance with the requirements of this section and recovery of a penalty from the qualified entity in the amount of the capital gains tax that was not recognized and penalties and interest for delinquent taxes as otherwise provided by law.

(e) No project on which 50 percent of the capital gains tax has been nonrecognized pursuant to subdivision (c) shall be sold or otherwise disposed of without the prior written approval of the Department of Housing and Community Development. In giving that approval, the department shall ensure that the project shall continue to be subject to the requirements of paragraph (2) of subdivision (b) or that any net proceeds of the sale are utilized for charitable low-income housing purposes. In determining what constitutes the net proceeds of the sale, where the seller is a qualified limited-partnership entity under subparagraph (D) of paragraph (3) of subdivision (b), the Department of Housing and Community Development shall consider the terms of the partnership agreement.

SEC. 3. Section 25111 of the Revenue and Taxation Code is amended to read:

25111. (a) A water's-edge election shall be made by contract with the Franchise Tax Board in the original return for a year and shall be effective only if every taxpayer which is a member of the water's-edge group and which is subject to tax under this part makes the election. A single taxpayer which is engaged in more than one business activity subject to allocation and apportionment as provided in Article 2 (commencing with Section 25120) of Chapter 17 may make a separate election for each business. The form and manner of making the water's-edge election shall be prescribed by the Franchise Tax Board. Each contract making a water's-edge election shall be for an initial term of five years, except as provided in subdivisions (b) and (c). Each contract shall provide that on the anniversary date of the contract or any other annual date specified by the contract a year shall be added automatically to the initial term unless notice of nonrenewal is given as provided in subdivision (e). Each contract shall be conditioned by an agreement to pay the amount specified in Section 25115. Except as provided in subdivisions (b) and (c), the Franchise Tax Board shall enter into a contract as provided by this section with any qualified taxpayer which wishes to make a water's-edge election. An affiliated bank or corporation which is a member of the water's-edge group or is a nonelecting taxpayer which is subsequently proved to be a member of the water's-edge group pursuant to Franchise Tax Board audit determination, as evidenced by a notice of deficiency proposed to be assessed or a notice of tax change, and subsequently becomes subject to tax under this part shall be deemed to have elected. No water's-edge election shall be made for an income year beginning

prior to the operative date of this article.

(b) A water's-edge election may be terminated by a taxpayer prior to the end of the five-year period if any of the following occurs:

(1) The taxpayer is acquired directly or indirectly by a nonelecting entity which alone or together with those affiliates included in its combined report is larger than the taxpayer as measured by equity capital.

(2) The taxpayer ceases to be affiliated with any bank or corporation whose income and apportionment factors the taxpayer would be required to take into account in determining its income under Section 25101 but for the election and the taxpayer is not itself a bank or corporation doing business within and without the United States

(3) With the permission of the Franchise Tax Board.

(4) Pursuant to a Franchise Tax Board audit determination, as evidenced by a notice of the deficiency proposed to be assessed or a notice of tax change, a substantial modification is made to the composition of the water's-edge group as filed, in which case the election may be terminated only with respect to income years beginning on or after January 1 of the year in which the audit determination is made.

No refund of any amounts paid pursuant to Section 25115 shall be made for those years during which the election was in effect.

(c) A water's-edge election may be disregarded by the Franchise Tax Board, only if any of the following occurs:

(1) A bank or corporation willfully fails to comply substantially with Section 25401d or any federal law requiring the filing of domestic spreadsheets.

(2) After a reasonable adjustment of transfer prices, royalty rates, the allocation of common expenses, and similar adjustments, the return filed pursuant to this section fails to prevent the willful evasion of taxes.

(3) An otherwise qualified taxpayer willfully fails to do any of the following:

(A) Retain and make available upon request the documents and information, including any questionnaires completed and submitted to the Internal Revenue Service or qualified states, which are necessary to audit issues involving attribution of income to the United States or foreign jurisdictions under Sections 482, 861, 863, 902, and 904, and Subpart F of Part III of Subchapter N, or similar sections of the Internal Revenue Code.

(B) Identify, upon request, principal officers or employees who have substantial knowledge of, and access to, documents and records which discuss pricing policies, profit centers, cost centers, and the methods of allocating income and expense among these centers. The information shall include the employees' titles and addresses.

(C) Retain and make available upon request all documents and correspondence ordinarily available to a bank or corporation included in the water's-edge election which are submitted to or

obtained from the Internal Revenue Service, foreign countries or their territories or possessions, and competent authority pertaining to ruling requests, rulings, settlement resolutions, and competing claims involving jurisdictional assignment and sourcing of income that affect the assignment of income to the United States. The documents shall include all ruling requests and rulings on reorganizations involving foreign incorporation of branches, all ruling requests and rulings on changing a bank or corporation's jurisdictional incorporation, and all documents which are ordinarily available to a bank or corporation included in the water's-edge election which pertain to the determination of foreign tax liability, including examination reports issued by foreign taxing administrations. If the documents have been translated, the translations shall be furnished.

(D) Upon request, prepare and make available for each bank or corporation included in the disclosure spreadsheet referred to in Section 25401d in which the taxpayer is included, a list of each state of the United States, including the District of Columbia, territories or possessions, and each foreign country in which it has payroll, property, or sales. The sales shall be determined by destination whether or not the taxpayer is taxable in the destination jurisdiction.

(E) Retain and make available, upon request, forms filed with the Internal Revenue Service to comply with Sections 6038, 6038A, and 6041 of the Internal Revenue Code.

(F) Upon request, prepare and make available for each bank or corporation organized or created under the laws of the United States or a political subdivision thereof, of which 50 percent or more of its voting stock is directly or indirectly owned or controlled, the information which would be included in the forms described in subparagraph (E) if those forms were required for United States corporations.

(G) Retain and make available, upon request, all state tax returns filed by each bank or corporation included under subdivision (a) in each state, including the District of Columbia.

(H) Comply with reasonable requests for information necessary to determine or verify its net income, apportionment factors, or the geographic source of that income pursuant to the Internal Revenue Code.

(I) For purposes of this subdivision, information for any year shall be retained for that period of time in which the taxpayer's income or franchise tax liability to this state may be subject to adjustment, including all periods in which additional income or franchise taxes may be assessed or during which an appeal is pending before the State Board of Equalization or a lawsuit is pending in the courts of this state or the United States with respect to California franchise or income tax.

(d) The taxpayer shall be provided 90 days' prior written notice that the Franchise Tax Board intends to disregard a water's-edge election under subdivision (c). The taxpayer shall have the right to

seek review in the superior court of the Franchise Tax Board's intended decision to disregard the election.

(e) In disregarding an election or in granting a change of election, the Franchise Tax Board shall impose any conditions which are necessary to prevent the avoidance of tax or clearly reflect income for the period the election was, or was purported to be, in effect. These conditions may include a requirement that income, including dividends paid from income earned while a water's-edge election was in effect, which would have been included in determining the income of the taxpayer from sources within and without this state pursuant to Section 25101 but for the water's-edge election shall be included in income in the year in which the election is changed or disregarded.

(f) If the taxpayer desires in any year not to renew the contract, the taxpayer shall serve written notice of nonrenewal of the contract upon the board in advance of the annual renewal date of the contract. Unless that written notice is served by the taxpayer at least 90 days prior to the renewal date, the contract shall be considered renewed as provided in subdivision (a).

(g) If the taxpayer serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

SEC. 4. 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:

This act amends a statute which is repealed as of January 1, 1990, unless a later enacted statute, which is enacted before January 1, 1990, deletes or extends that date. In order for taxpayers who dispose of low-income property in 1989 to be able to comply with the law, without having to wait for the lengthy process required for prescribing regulations, it is necessary that this act take effect immediately.

CHAPTER 1462

An act to amend, repeal, and add Section 3106 of the Commercial Code, relating to commercial paper, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989 Filed with
Secretary of State October 2, 1989]

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

SECTION 1. Section 3106 of the Commercial Code is amended to read:

3106. (1) The sum payable is a sum certain even though it is to be paid as specified in any of the following:

(a) With stated interest, a stated rate of interest, or by stated installments.

(b) With stated different rates of interest before and after default or a specified date.

(c) With a stated discount or addition if paid before or after the date fixed for payment.

(d) With exchange or less exchange, whether at a fixed rate or at the current rate.

(e) With costs of collection or an attorney's fee or both upon default.

(2) A rate of interest that cannot be calculated by looking only to the instrument is "a stated rate of interest" for purposes of subdivision (1), if the rate is computed by a reference in the instrument to a statute, regulation, rule of court, generally accepted commercial or financial index, or an interest rate periodically announced or established by a named financial institution.

(3) Nothing in this section shall validate any term which is otherwise illegal.

(4) This section is repealed on January 1, 1995.

SEC. 2 Section 3106 is added to the Commercial Code, to read.

3106 (1) The sum payable is a sum certain even though it is to be paid as specified in any of the following:

(a) With stated interest or by stated installments.

(b) With stated different rates of interest before and after default or specified date.

(c) With a stated discount or addition if paid before or after the date fixed for payment.

(d) With exchange or less exchange, whether at a fixed rate or at the current rate.

(e) With costs of collection or an attorney's fee or both upon default

(2) Nothing in this section shall validate any terms which are otherwise illegal.

(3) This section shall become operative on January 1, 1995.

SEC. 3. In enacting the revisions to Section 3106 of the commercial Code made by Section 1 of this act, the Legislature intends to clarify and confirm existing law. Section 1 of this act is repealed as of January 1, 1995, to give the California Conference of Commissioners on Uniform State Laws sufficient time to review adjustable rate instruments, the negotiability of these instruments, and to report back to the Legislature as to whether the approach enacted by Section 1 of this act is the best manner to address questions regarding the definition of sum certain, if the rate of interest cannot be calculated by looking only to the instrument.

The repeal of Section 3106 of the Commercial Code provided for by Section 1 of this act is not intended in any way to adversely affect the negotiability of any instrument originated prior to January 1,

1995. All those instruments are to be deemed negotiable under subdivision (2) of Section 3106 as contained in Section 1 of this act if the rate of interest cannot be calculated by looking only to the instrument.

SEC. 4. Part 433 of Title 16 of the Code of Federal Regulations provides consumers, in contracts subject to Regulation Z and Truth-In-Lending, with important consumer protections which take precedence over the holder in due course provisions of the Commercial Code. Specifically, those provisions provide specialized disclosures and permit consumers on consumer credit contracts to preserve their claims and defenses against enforcement notwithstanding the sale of their loan obligation to a third party. The Legislature hereby adopts the policies enunciated in Part 433 of Title 16 of the Code of Federal Regulations on September 1, 1989, as applied to consumer credit contracts, as defined by Section 433.1(i) of Part 433 of Title 16 of the Code of Federal Regulations.

SEC. 5 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 facilitate the transfer and sale of variable loan portfolios by financial institutions into secondary markets which is vital to the continued economic viability of these institutions and to permit the continued expansion of commercial practices and the modernization of the law governing commercial transactions, it is necessary that this act take effect immediately

CHAPTER 1463

An act to add Sections 35256.1, 41408, 41409, and 41409.3 to, the Education Code, relating to schools, and making an appropriation therefor

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

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

SECTION 1. Section 35256.1 is added to the Education Code, to read:

35256.1. In addition to the information required under Section 35256, each School Accountability Report Card shall include the information required under Section 41409.3.

SEC. 15 Section 41408 is added to the Education Code, to read:

41408. (a) The Legislative Analyst shall conduct, or cause to be conducted, a study to determine the most appropriate, efficient, and clearly understood means of reporting and monitoring the allocation of resources by school districts. The study shall address, but shall not

be limited to, the following questions:

(1) Whether an administrator-teacher maximum ratio is the most effective means for calculating, monitoring, and reporting the proportion of resources that school districts allocate for their administrative costs, or whether there are alternative means that would more effectively accomplish that purpose.

(2) Assuming that an administrator-teacher maximum ratio is retained, what definitions of the various categories of school employees would provide the most accurate and consistent calculating, monitoring, and reporting procedures, and which administrator-teacher maximum ratios would be the most appropriate.

(b) In conducting the study, the Legislative Analyst, or his or her designee, shall, at a minimum, consult with each of the following:

(1) The Superintendent of Public Instruction, or his or her designee

(2) The Auditor General, or his or her designee.

(3) The Controller, or his or her designee.

(4) One school administrator in a public elementary or secondary school in the state.

(5) One administrator from the central office of a school district.

(6) One member of a school district governing board.

(7) Three teachers employed in public elementary or secondary schools in the state.

(8) Two persons holding a service credential other than an administrative services credential employed by a school district.

(9) Two persons who are employed as classified employees in a school district.

(10) One representative from the State Board of Education.

(11) One representative from a management or administrative position in the private sector.

(c) The Legislative Analyst shall submit the findings and recommendations in a report to the appropriate budget and policy committees of the Legislature, the Governor, and the Department of Finance on or before October 30, 1990.

SEC. 2. Section 41409 is added to the Education Code, to read:

41409 (a) Commencing with the 1988-89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average percentage of school district budgets that are allocated to the salaries of administrative personnel, as that term is defined in Sections 1200, 1700, 1800, and 2200 of the California School Accounting Manual published by the State Department of Education. The Superintendent of Public Instruction shall also determine the statewide average percentage of school district budgets that are allocated to the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual. The statewide averages shall be calculated for the following types and sizes of school districts:

District	ADA
Elementary	less than 101
Elementary	more than 100
High School	less than 301
High School	more than 300
Unified	less than 1,501
Unified	more than 1,500

(b) Commencing with the 1988-89 fiscal year, and annually thereafter, the Superintendent of Public Instruction shall determine the statewide average salary, by size and type of district, for the following:

- (1) Beginning, mid-range, and highest salary paid to teachers.
- (2) Schoolsite principals.
- (3) District superintendents.

(c) The statewide averages calculated pursuant to subdivisions (a) and (b) for the 1988-89 fiscal year shall be provided to each school district on or before March 30, 1990, and annually thereafter for the prior fiscal year, for use in the school accountability report card. A copy of the state summary information shall be submitted annually to the Legislature, the Governor, the Department of Finance, and the office of the Legislative Analyst.

SEC. 3. Section 41409.3 is added to the Education Code, to read:

41409.3. Each school district, except for school districts maintaining a single school to serve kindergarten or any of grades 1 to 12, inclusive, shall include in the school accountability report card required under Section 35256 a statement which shall include the following information.

(a) The beginning, median, and highest salary paid to teachers in the district, as reflected in the district's salary scale

(b) The average salary for schoolsite principals in the district.

(c) The salary of the district superintendent.

(d) Based upon the state summary information provided by the Superintendent of Public Instruction pursuant to subdivision (b) of Section 41409, the statewide average salary for the appropriate size and type of district for the following:

- (1) Beginning, midrange, and highest salary paid to teachers.
- (2) Schoolsite principals.
- (3) District superintendents.

(e) The statewide average of the percentage of school district budgets allocated for the salaries of administrative personnel for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction pursuant to subdivision (a) of Section 41409.

(f) The percentage allocated under the district's corresponding fiscal year budget for the salaries of administrative personnel, as defined in Sections 1200, 1700, 1800, and 2200 of the California School

Accounting Manual published by the State Department of Education.

(g) The statewide average of the percentage of school district budgets allocated for the salaries of teachers for the appropriate size and type of district for the most recent fiscal year, provided by the Superintendent of Public Instruction, pursuant to subdivision (a) of Section 41409.

(h) The percentage allocated under the district's corresponding fiscal budget for the salaries of teachers, as defined in Section 1100 of the California School Accounting Manual published by the State Department of Education.

SEC. 4. The sum of fifty thousand dollars (\$50,000) is hereby appropriated from the General Fund to the Legislative Analyst for the purpose of conducting or contracting for the study for the reporting and monitoring of the allocation of school district resources required by Section 41408 of the Education Code.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1464

An act to amend Sections 20021, 20100.2, 20607. and 21293.1 of, to add Sections 20021.01, 20022.01, 20450.1, and 20938.1 to, and to add and repeal Section 21252.023 of, the Government Code, and to amend Sections 4850 and 4850.3 of the Labor Code, relating to the Public Employees' Retirement System, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

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

SECTION 1. Section 20021 of the Government Code is amended to read:

20021. "Local firefighter" means any officer or employee of a fire department of a contracting agency, except one whose principal

duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting, or active firefighting and prevention service, active firefighting and fire training, active firefighting and hazardous materials, active firefighting and fire or arson investigation, or active firefighting and emergency medical services, even though that employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active firefighting, or active firefighting and prevention service, active firefighting and fire training, active firefighting and hazardous materials, active firefighting and fire or arson investigation, or active firefighting and emergency medical services, but not excepting persons employed and qualifying as firefighters of equal or higher rank, irrespective of the duties to which they are assigned.

SEC. 2. Section 20021.01 is added to the Government Code, to read:

20021.01. "Local firefighter" also means any officer or employee of a fire department of a contracting agency, except one whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation service, even though that employee is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active firefighting, fire prevention, fire training, hazardous materials, emergency medical services, or fire or arson investigation service, but not excepting persons employed and qualifying as firefighters of equal or higher rank, irrespective of the duties to which they are assigned.

This section shall not apply to the employees of any contracting agency nor to any contracting agency unless and until the contracting agency elects to be subject to this section by amendment to its contract with the board, made pursuant to Section 20461.5 or by express provision in its contract with the board.

SEC. 3. Section 20022.01 is added to the Government Code, to read:

20022.01. A contracting agency may report an amount for each member that is equal to a uniformly applied percentage of salary in lieu of computing and reporting under subdivision (a) of Section 20022 the actual compensation attributable to each individual member if the contracting agency has agreed in a memorandum of understanding reached pursuant to Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 that the aggregate amount to be reported by the contracting agency for all members within a membership classification bears a reasonable relation to the aggregate amount that would otherwise be required to be reported pursuant to Section 20022.

SEC. 4. Section 20100.2 of the Government Code is amended to

read:

20100.2. Each employing agency which employs an elected member of the board and which employs a person to replace the member during attendance at meetings of the board, or meetings of committees or subcommittees of the board, or when serving as a panel member of the system, thereof, or when carrying out other powers or duties as may be approved by the board, shall be reimbursed from the Public Employees' Retirement Fund for the costs incurred by employing a replacement, not to exceed 25 percent of the member's total annual compensation.

SEC. 5. Section 20450.1 is added to the Government Code, to read:

20450.1. The board may refuse to contract with, or to agree to an amendment proposed by, any public agency for any benefit provisions which are not specifically authorized by this part and which the board determines would adversely affect the administration of the system.

SEC. 6. Section 20607 of the Government Code is amended to read:

20607. (a) The normal rate of contribution for state peace officer/firefighter members and for local safety members subject to Section 21252.02 shall be 8 percent of the compensation in excess of two hundred thirty-eight dollars (\$238) per month paid those members.

(b) This subdivision shall apply only to a city with a population in excess of 300,000 in a county of the eighth class, as defined by Sections 28020 and 28029, as amended by Chapter 1204 of the Statutes of 1971, which, prior to June 30, 1991, amends its contract to provide for the transfer of all or part of the safety members of an existing local retirement system to this system. Subdivision (a) shall not apply to a contracting agency which so elects by amendment to its contract made in the manner prescribed for approval of contracts by express provision in the contract. If the election is so made, the normal rate of contribution for local safety members of that contracting agency subject to Section 21252.02 shall, notwithstanding Section 20605.55, be 9 percent of compensation paid those members.

(c) Notwithstanding any other provision of this part, state member contributions on premium compensation for planned overtime paid at the "half-time" rate as part of the regular shift under the federal Fair Labor Standards Act (29 U.S.C. Sec. 201 et seq.) or the Memorandum of Understanding of State Bargaining Unit 8 are waived for the period April 15, 1985, through June 30, 1988.

This subdivision applies to State Bargaining Unit 8 and becomes effective only if the board approves a waiver of employer contributions on the same premium compensation for the same period of time. If this subdivision is approved by the board, benefits shall be calculated to include overtime paid at the one-half time rate.

SEC. 7. Section 20938.1 is added to the Government Code, to read:

20938.1. This section shall apply only to a city with a population in excess of 300,000 in a county of the eighth class, as defined by Sections 28020 and 28029, as amended by Chapter 1204 of the Statutes of 1971, which prior to June 30, 1991, amends its contract to provide for the transfer of all or part of the safety members of an existing local retirement system to this system. Only those transferred members who had less than 11 years of service credit on the date of transfer shall be entitled under Section 20938 to cancel prospectively an election to receive credit for service.

SEC. 8. Section 21252.023 is added to the Government Code, to read:

21252.023. (a) Notwithstanding any other provision of law, a city with a population in excess of 300,000 in a county of the eighth class, as defined by Sections 28020 and 28029, as amended by Chapter 1204 of the Statutes of 1971, may simultaneously:

(1) Provide benefits pursuant to Section 21230 to members retiring after the effective date of the contract amendment who are transferred from the local system to this system on that date.

(2) Provide the benefit formula specified in Section 21252.02 for local safety members who become local safety members after the effective date of the contract amendment.

(b) This section shall remain in effect only until June 30, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before June 30, 1991, deletes or extends that date.

SEC 9. Section 21293.1 of the Government Code is amended to read:

21293.1. The Public Employees' Retirement System shall deduct the amount of advanced disability pension payments made to a local safety member pursuant to Section 4850.3 of the Labor Code from the member's retroactive disability allowance, and reimburse the local agency which has made the advanced disability pension payments. If the retroactive disability allowance is not sufficient to reimburse the total advanced disability pension payments, an amount no greater than 10 percent of the member's monthly disability allowance shall be deducted and reimbursed to the local agency until the total advanced disability pension payments have been repaid. The local safety member and the Public Employees' Retirement System may agree to any other arrangement or schedule for the member to repay the advanced disability pension payments.

SEC. 10. Section 4850 of the Labor Code, as amended by Section 5.5 of Chapter 114 of the Statutes of 1984, is amended to read:

4850. Whenever any city policeman, city, county, or district firefighter, sheriff or any officer or employee of a sheriff's office, any inspector, investigator, detective, or personnel with comparable title in any district attorney's office, or lifeguard employed year round on a regular, full-time basis by a county of the first class, who is a member of the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937 (Chapter 3 (commencing with Section 31450) of Part 3 of Division 4 of Title 3

of the Government Code) is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of his or her duties, he or she shall become entitled, regardless of his or her period of service with the city or county, to leave of absence while so disabled without loss of salary in lieu of temporary disability payments, if any, which would be payable under this chapter, for the period of the disability, but not exceeding one year, or until such earlier date as he or she is retired on permanent disability pension, and is actually receiving disability pension payments, or advanced disability pension payments pursuant to Section 4850.3. This section shall apply only to city policemen, sheriffs or any officer or employee of a sheriff's office, and any inspector, investigator, detective, or personnel with comparable title in any district attorney's office, who are members of the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937 (Chapter 3 (commencing with Section 31450) of Part 3 of Division 4 of Title 3 of the Government Code) and excludes employees of a police department whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly fall within the scope of active law enforcement service, and excludes employees of a county sheriff's office whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service. It shall also apply to city, county, or district firefighters who are members of the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937 (Chapter 3 (commencing with Section 31450) of Part 3 of Division 4 of Title 3 of the Government Code) and excludes employees of the city fire department, county fire department, and of any fire district whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly fall within the scope of active firefighting and prevention service. It shall also apply to deputy sheriffs subject to the County Employees Retirement Law of 1937 (Chapter 3 (commencing with Section 31450) of Part 3 of Division 4 of Title 3 of the Government Code). It shall also apply to lifeguards employed year round on a regular, full-time basis by counties of the first class who are subject to the County Employees Retirement Law of 1937 (Chapter 3 (commencing with Section 31450) of Part 3 of Division 4 of Title 3 of the Government Code). If the employer is insured, the payments which, except for this section, the insurer would be obligated to make as disability indemnity to the injured, the insurer may pay to the insured.

This section shall become operative on January 1, 1990.

SEC. 11 Section 4850.3 of the Labor Code is amended to read: 4850.3. A city, county, special district, or harbor district which is a member of the Public Employees' Retirement System or subject to the County Employees Retirement Law of 1937 may make advanced

disability pension payments to any local safety officer who has qualified for benefits under Section 4850 and is approved for a disability allowance. The payments shall be no less than 50 percent of the estimated highest average annual compensation earnable by the local safety officer during the three consecutive years of employment immediately preceding the effective date of his or her disability retirement, unless the local safety officer chooses an optional settlement in the permanent disability retirement application process which would reduce the pension allowance below 50 percent. In the case where the local safety officer's choice lowers the disability pension allowance below 50 percent of average annual compensation as calculated, the advanced pension payments shall be set at an amount equal to the disability pension allowance. If a local agency has an adopted policy of paying for any accumulated sick leave after the safety officer is eligible for a disability allowance, the advanced disability pension payments under this section may only be made when the local safety officer has exhausted all sick leave payments. Advanced disability pension payments shall not be considered a salary under this or any other provision of law. All advanced disability pension payments made by a local agency with membership in the Public Employees' Retirement System shall be reimbursed by the Public Employees' Retirement System pursuant to Section 21293.1 of the Government Code.

SEC. 12. The Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution due to the unique circumstances concerning the retirement programs of the City of Sacramento.

SEC. 13. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that Sections 1, 2, 3, 4, 9, 10, and 11 of this act contain costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of Sections 1, 2, 3, 4, 9, 10, and 11 of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 14. No reimbursement is required by Sections 5, 6, 7, 8, and 12 of this act pursuant to Section 6 of Article XIII B of the California Constitution because Sections 5, 6, 7, 8, and 12 of this act are in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in Sections 5, 6, 7, 8, and 12 of this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of Sections 5, 6, 7, 8, and 12 of this act shall become operative on the same date that the act takes effect pursuant to the

California Constitution.

SEC. 15. 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 that unintended potential consequences and confusion resulting from a recent revision of the definition of "local safety members" in the Public Employees' Retirement System may be remedied at the earliest possible time, that needed reimbursement may be made to all employers of members of the Board of Administration at the earliest possible time, and that an amendment to the contract of the City of Sacramento may be effective, and members may be transferred from its local retirement system to the Public Employees' Retirement System, prior to the date upon which gross pension allowance limits established by the Internal Revenue Code become applicable, it is necessary that this act take effect immediately.

CHAPTER 1465

An act to amend Section 1861.02 of, to add Chapter 13 (commencing with Section 679.80) to Part 1 of Division 1 of, and Section 1861.025 to, the Insurance Code, to amend Sections 1808.7, 1816, and 23140 of the Vehicle Code, and to add Section 784 to the Welfare and Institutions Code, to amend Sections 16028, 16029, 16030, 16031, 16032, 16033, 16034, and 16035 of, and to amend and repeal Section 16028.4 of, the Vehicle Code, relating to insurance.

[Approved by Governor October 2, 1989. Filed with
Secretary of State October 2, 1989.]

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

SEC. 1.3. Section 1861.02 of the Insurance Code, as added by Proposition 103 at the November 8, 1988, general election, is amended to read:

1861.02. (a) Rates and premiums for an automobile insurance policy, as described in subdivision (a) of Section 660, shall be determined by application of the following factors in decreasing order of importance

- (1) The insured's driving safety record.
- (2) The number of miles he or she drives annually.
- (3) The number of years of driving experience the insured has had.
- (4) Such other factors as the commissioner may adopt by regulation that have a substantial relationship to the risk of loss. The regulations shall set forth the respective weight to be given each factor in determining automobile rates and premiums.

Notwithstanding any other provision of law, the use of any criterion without such approval shall constitute unfair discrimination.

(b) (1) Every person who meets the criteria of Section 1861.025 shall be qualified to purchase a Good Driver Discount policy from the insurer of his or her choice. An insurer shall not refuse to offer and sell a Good Driver Discount policy to any person who meets the standards of this subdivision.

(2) The rate charged for a Good Driver Discount policy shall comply with subdivision (a) and shall be at least 20% below the rate the insured would otherwise have been charged for the same coverage. Rates for Good Driver Discount policies shall be approved pursuant to this article.

(c) The absence of prior automobile insurance coverage, in and of itself, shall not be a criterion for determining eligibility for a Good Driver Discount policy, or generally for automobile rates, premiums, or insurability.

(d) An insurer may refuse to sell a Good Driver Discount policy insuring a motorcycle unless all named insureds have been licensed to drive a motorcycle for the previous three years

(e) This section shall become operative on November 8, 1989. The commissioner shall adopt regulations implementing this section and insurers may submit applications pursuant to this article which comply with those regulations prior to that date, provided that no such application shall be approved prior to that date.

SEC. 1.5. Section 1861.02 of the Insurance Code, as added by Proposition 103 at the November 8, 1988, general election, is amended to read:

1861.02. (a) Rates and premiums for an automobile insurance policy, as described in subdivision (a) of Section 660, shall be determined by application of the following factors in decreasing order of importance:

(1) The insured's driving safety record.

(2) The number of miles he or she drives annually.

(3) The number of years of driving experience the insured has had.

(4) Such other factors as the commissioner may adopt by regulation that have a substantial relationship to the risk of loss. The regulations shall set forth the respective weight to be given each factor in determining automobile rates and premiums. Notwithstanding any other provision of law, the use of any criterion without such approval shall constitute unfair discrimination.

(b) (1) Every person who meets the criteria of Section 1861.025 shall be qualified to purchase a Good Driver Discount policy from the insurer of his or her choice. An insurer shall not refuse to offer and sell a Good Driver Discount policy to any person who meets the standards of this subdivision.

(2) The rate charged for a Good Driver Discount policy shall comply with subdivision (a) and shall be at least 20% below the rate the insured would otherwise have been charged for the same

coverage. Rates for Good Driver Discount policies shall be approved pursuant to this article.

(3) (A) This subdivision shall not prevent a reciprocal insurer, organized prior to November 8, 1988, by a motor club holding a certificate of authority under Chapter 2 (commencing with Section 12160) of Part 5 of Division 2, and which requires membership in the motor club as a condition precedent to applying for insurance from requiring membership in the motor club as a condition precedent to obtaining insurance described in this subdivision.

(B) This subdivision shall not prevent an insurer which requires membership in a specified voluntary, nonprofit organization, which was in existence prior to November 8, 1988, as a condition precedent to applying for insurance issued to or through those membership groups, including franchise groups, from requiring such membership as a condition to applying for the coverage offered to members of the group, provided that it or an affiliate also offers and sells coverage to those who are not members of those membership groups.

(C) However, all of the following conditions shall be applicable to the insurance authorized by subparagraphs (A) and (B):

(i) Membership, if conditioned, is conditioned only on timely payment of membership dues and other bona fide criteria not based upon driving record or insurance, provided that membership in a motor club may not be based on residence in any area within the state.

(ii) Membership dues are paid solely for and in consideration of the membership and membership benefits and bear a reasonable relationship to the benefits provided. The amount of the dues shall not depend on whether the member purchases insurance offered by the membership organization. None of those membership dues or any portion thereof shall be transferred by the membership organization to the insurer, or any affiliate of the insurer, attorney-in-fact, subsidiary, or holding company thereof, provided that this provision shall not prevent any bona fide transaction between the membership organization and those entities.

(iii) Membership provides bona fide services or benefits in addition to the right to apply for insurance. Those services shall be reasonably available to all members within each class of membership.

Any insurer that violates clause (i), (ii), or (iii) shall be subject to the penalties set forth in Section 1861.14.

(c) The absence of prior automobile insurance coverage, in and of itself, shall not be a criterion for determining eligibility for a Good Driver Discount policy, or generally for automobile rates, premiums, or insurability.

(d) An insurer may refuse to sell a Good Driver Discount policy insuring a motorcycle unless all named insureds have been licensed to drive a motorcycle for the previous three years.

(e) This section shall become operative on November 8, 1989. The commissioner shall adopt regulations implementing this section and insurers may submit applications pursuant to this article which

comply with those regulations prior to that date, provided that no such application shall be approved prior to that date.

SEC. 2. Section 1861.025 is added to the Insurance Code, to read:

1861.025. A person is qualified to purchase a Good Driver Discount policy if he or she meets all of the following criteria:

(a) He or she has been licensed to drive a motor vehicle for the previous three years.

(b) During the previous three years, he or she has not done any of the following:

(1) Had more than one violation point count determined as provided by Section 12810 of the Vehicle Code, but subject to the following modifications:

For the purposes of this section, the driver of a motor vehicle involved in an accident which resulted only in damage to property shall receive one violation point count, in addition to any other violation points which may be imposed for this accident.

If under Section 488 or 488.5 an insurer is prohibited from increasing the premium on a policy on account of a violation, that violation shall not be included in determining the point count of the person.

If a violation is required to be reported under Section 1816 of the Vehicle Code, or under Section 784 of the Welfare and Institutions Code, or any other provision requiring the reporting of a violation by a minor, the violation shall be included for the purposes of this section in determining the point count in the same manner as is applicable to adult violations.

(2) Had more than one dismissal pursuant to Section 1803.5 of the Vehicle Code which was not made confidential pursuant to Section 1808.7 of the Vehicle Code, in the 36-month period for violations that would have resulted in the imposition of more than one violation point count under paragraph (1) if the complaint had not been dismissed.

(3) Been found to be in violation of Section 23140 of the Vehicle Code

(4) Was the driver of a motor vehicle involved in an accident which resulted in bodily injury or in the death of any person and was principally at fault. The commissioner shall adopt regulations setting guidelines to be used by insurers for the their determination of fault for the purposes of this paragraph and paragraph (1) of subdivision (b).

SEC. 3. Section 1808.7 of the Vehicle Code is amended to read:

1808.7. The record of the department relating to the first proceeding and dismissal under Section 1803.5 in any 12-month period for participation by a person in a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction, is confidential, shall not be disclosed to any person, except a court, and shall be used only for statistical purposes by the department.

SEC. 4. Section 1816 of the Vehicle Code is amended to read:

1816. Every judge of the juvenile court, juvenile traffic hearing officer, duly constituted referee of a juvenile court, or other person responsible for the disposition of cases involving traffic offenses required to be reported under Section 1803 committed by persons under 18 years of age shall keep a full record of every case in which a person is charged with such a violation, and shall report the offense to the department at its office in Sacramento not more than 30 days after the date on which it was committed, and in no case less than 10 days after adjudication. The report required by this section shall be required for any determination that a minor committed the violation, including any determination that because of the act the minor is a person described in Section 601 or 602 of the Welfare and Institutions Code or that a program of supervision should be instituted for the minor. No report shall be made if it is found that the alleged offense was not committed.

The report required by this section shall be made upon a form furnished by the department and shall contain all necessary information as to the identity of the offender, the arresting agency, the date and nature of the offense, and the date the finding was made.

SEC. 5. Section 23140 of the Vehicle Code is amended to read:

23140. (a) It is unlawful for a person under the age of 18 years who has 0.05 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.

(b) A person may be found to be in violation of subdivision (a) if the person was, at the time of driving, under the age of 18 years and under the influence of, or affected by, an alcoholic beverage regardless of whether a chemical test was made to determine that person's blood-alcohol concentration and if the trier of fact finds that the person had consumed an alcoholic beverage and was driving a vehicle while having a concentration of 0.05 percent or more, by weight, of alcohol in his or her blood.

(c) Notwithstanding any provision of law to the contrary, upon a finding that a person has violated this section, the clerk of court, or judge if there is no clerk, shall prepare within 10 days after the finding and immediately forward to the department an abstract of the record of the court in which the finding is made. That abstract shall be a public record and available for public inspection in the same manner as other records reported under Section 1803.

SEC. 6. Section 784 is added to the Welfare and Institutions Code, to read.

784. Notwithstanding any other provision of law, upon any adjudication that a minor violated any provision of law for which a report would be required under Section 1803 of the Vehicle Code, including any determination that because of the act the minor is a person described in Section 601 or 602 or that a program of supervision should be instituted for the minor, the clerk shall, not more than 30 days after the violation and in no case later than 10 days after the adjudication, prepare an abstract of the record, certify the

abstract to be true and correct, and immediately forward the abstract to the Department of Motor Vehicles. The record shall be a public record subject to disclosure in the same manner as reports made under Section 1803 of the Vehicle Code.

SEC. 7. Pursuant to Section 17579 of the Government Code, the Legislature finds that there is no mandate contained in this act which will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. However, if increased local costs do result from this act, those costs will be reimbursed with funds available under Chapter 13 (commencing with Section 77000) of Title 8 of the Government Code. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 8. Section 1.5 of this bill incorporates amendments to Section 1861.02 of the Insurance Code proposed by both this bill and AB 591. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1989, (2) each bill amends Section 1861.02 of the Insurance Code, and (3) this bill is enacted after AB 591, in which case Section 1861.02 of the Insurance Code, as amended by AB 591, shall remain operative only until the operative date of this bill, at which time Section 1.5 of this bill shall become operative, and Section 1.3 of this bill shall not become operative.

SEC. 9. Section 16028 of the Vehicle Code is amended to read:

16028 (a) Every person who drives a motor vehicle required to be registered in this state upon a highway, or who drives a moped upon the highway, shall, when requested by a peace officer pursuant to subdivision (c) or (d), provide evidence of financial responsibility for the vehicle.

Except as otherwise provided in this subdivision and subdivisions (e) and (f), any person who violates this subdivision is guilty of an infraction and shall be punished for each offense by a fine of seventy-five dollars (\$75) and an additional penalty assessment of twenty-five dollars (\$25). If (1) the citation is issued pursuant to subdivision (c) on a notice to appear for violation of Section 23152, and (2) the driver is convicted of violating Section 23152, then the penalty upon conviction for violation of subdivision (a) is a fine of one hundred eighty dollars (\$180) and an additional penalty assessment of sixty dollars (\$60). Each defendant shall be fined and assessed a penalty assessment in the amount specified in this section, upon conviction, unless the court determines that in the interests of justice the fine and the penalty assessment should be reduced. Any reduction of the fine and penalty assessment shall be in the same proportion and the court shall state the reasons for reducing the fine

and assessment on the record.

In lieu of the fine and penalty assessment otherwise assessable under this subdivision, the court may permit the defendant to perform community service designated by the court.

(b) (1) For purposes of this section, "evidence of financial responsibility" shall be in writing and means any of the following:

(A) The name of the insurance or surety company which issued the automobile liability policy, motor vehicle liability policy, or bond meeting the requirements of Section 16056, in effect for the vehicle, and the number of the insurance policy or surety bond.

(B) If the owner is a self-insurer as provided in Section 16052 or a depositor as provided in Section 16054.2, the certificate or deposit number issued by the department.

(C) An insurance covering note, as specified in Section 382 of the Insurance Code.

(D) A showing that the vehicle is owned or leased by, or under the direction of, the United States or any public entity, as defined in Section 811.2 of the Government Code.

(2) For purposes of this section, "evidence of financial responsibility" also includes the identifying symbol issued to a highway carrier by the Public Utilities Commission pursuant to Section 3543 of the Public Utilities Code and displayed on the motor vehicle.

(3) For purposes of this section, "evidence of financial responsibility in writing" may be satisfied by writing the name of the insurance company or surety company and the policy number or surety bond number on the motor vehicle registration card issued by the Department of Motor Vehicles.

(c) Whenever a notice to appear is issued for any alleged violation of this code, except a violation specified in Chapter 9 (commencing with Section 22500) of Division 11 or any local ordinance adopted pursuant thereto, the cited driver shall furnish written evidence of financial responsibility, as defined by subdivision (b), upon request of the peace officer issuing the citation. The peace officer shall request and write the driver's evidence of financial responsibility on the notice to appear, except where the peace officer is unable to write the driver's evidence of financial responsibility on the notice to appear due to an emergency that requires his or her presence elsewhere. If the cited driver fails to provide evidence of financial responsibility at the time the notice to appear is issued, the peace officer may issue the driver a notice to appear for violation of subdivision (a). The notice to appear for violation of subdivision (a) shall be written on the same citation form as the original violation.

(d) Whenever a peace officer is summoned to the scene of an accident, the driver of any motor vehicle which is in any manner involved in the accident, shall furnish written evidence of financial responsibility as defined by subdivision (b), upon the request of the peace officer making the report. If the driver fails to provide evidence of financial responsibility when requested, the peace

officer may issue the driver a notice to appear for violation of subdivision (a).

(e) A person cited in a notice to appear for violation of subdivision (a) may personally appear before the clerk of the court, as designated in the notice to appear, and provide written evidence of financial responsibility in a form consistent with Section 16028.4 showing that the driver was in compliance with Section 16020 at the time the notice to appear for violating subdivision (a) was issued. In lieu of a personal appearance, the person may submit written evidence of financial responsibility by mail to the court. Upon receipt by the clerk of written evidence of financial responsibility in a form consistent with Section 16028.4, further proceedings on the notice to appear for the violation of subdivision (a) of Section 16028 shall be dismissed, subject to Section 16031.

(f) If a driver cited for a violation of subdivision (a) is, at the time of issuance of the notice to appear, driving a motor vehicle owned, operated, or leased by the employer of the driver and driven with the permission of the employer, this section and Sections 16031 and 16032 apply to the employer rather than the driver. In that case, the notice to appear shall be issued to the employer, rather than the driver, and the driver may sign the notice to appear on behalf of the employer and shall notify the employer of the citation within five days after the issuance thereof.

(g) Penalty assessments collected pursuant to subdivision (a) shall be deposited in the county's Courthouse Temporary Construction Fund established pursuant to Section 76001, 76002, 76003, 76004, 76005, or 76006 of the Government Code.

(h) Any penalty assessment imposed pursuant to any other provision of law shall not be imposed on the additional penalty assessment provided in subdivision (a).

(i) This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date.

SEC. 10. Section 16028.4 of the Vehicle Code is amended to read:

16028.4. With respect to persons asserting financial responsibility under subdivision (b) of Section 16021, "written evidence," for purposes of subdivision (e) of Section 16028, means a copy of the insurance policy or bond or an identification card with the insurance policy number, the name of the insurer, the effective date of coverage, and the date of expiration, a copy of an insurance covering note, as specified in Section 382 of the Insurance Code, or written confirmation from the insurer that the person was insured at the time of the citation

This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date.

SEC. 11 Section 16029 of the Vehicle Code is amended to read:

16029. (a) Except as provided in subdivision (c) of this section, any person who provides false evidence of financial responsibility (1)

when requested by a peace officer pursuant to subdivision (c) of Section 16028 or (2) to the clerk of the court as permitted by subdivision (d) of Section 16028, including an expired or canceled insurance policy, bond, or certificate or deposit number, is guilty of a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or imprisonment in the county jail not exceeding 30 days, or by both that fine and imprisonment. The court shall additionally suspend the driver's license of any person convicted of a violation of this subdivision for a period of one year commencing upon the date of the conviction, in accordance with Sections 13206 and 13207. Driver's licenses surrendered to the court pursuant to this section shall be transmitted by the court, together with the required report of the conviction, to the department within 10 days of the conviction. Upon conclusion of the period of suspension, the department shall not return the driver's license until the licensee establishes proof of financial responsibility as prescribed by Section 16034.

(b) However, in lieu of suspending a person's driving privileges pursuant to subdivision (a), the court shall restrict the person's driving privileges to driving that is required in the person's course of employment, if driving of a motor vehicle is necessary in order to perform the duties of the person's primary employment. The restriction shall remain in effect for the period of suspension otherwise required by subdivision (a). The court shall provide for endorsement of the restriction on the person's driver's license, and violation of the restriction constitutes a violation of Section 14603 and grounds for suspension or revocation of the license under Section 13360.

(c) This section does not apply to a driver who is driving a motor vehicle owned, operated, or leased by the employer of the driver and driven with the permission of the employer.

(d) This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date.

SEC. 12. Section 16030 of the Vehicle Code is amended to read:

16030. (a) Each municipal and justice court shall each month select a current random sample of not to exceed 1 percent of notices to appear upon which evidence of financial responsibility has been written pursuant to subdivision (b) or (e) of Section 16028. Copies of the citations selected shall be transmitted to the department for verification. When an insurance or surety company or policy or bond number has been used as evidence of financial responsibility, the department shall verify the existence of the indicated insurance or surety coverage with the insurer or surety by negative verification.

For purposes of this subdivision, "negative verification" means that an insurer or surety shall be required to notify the department, upon inquiry by the department, only if the insurer or surety determines that no insurance policy or bond issued by it was in force at the time for which the department is inquiring.

(b) There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer or surety, its authorized representatives, its agents, its employees, or any person furnishing or failing to furnish or incorrectly furnishing, verifying, or reporting the existence or nonexistence of insurance or surety coverage to the department in response to the negative verification process.

(c) If the department determines that a cited driver provided erroneous evidence of financial responsibility pursuant to subdivision (c) of Section 16028, it shall notify appropriate prosecuting authorities of the alleged violation of Section 16029. In addition, the department shall mail to any such driver a notice of intent to suspend the driver's license of that driver. Fifteen days after mailing the notice, the department shall immediately suspend the driver's license, unless the driver has, prior to that date, established proof of financial responsibility, as specified in Section 16021, with the department. The suspension shall remain in effect until the person establishes financial responsibility with the department or until three years from the commencement of the suspension, whichever occurs first. During this three-year period, the suspension shall be reimposed for failure to maintain proof of financial responsibility in the same manner as specified in Article 3 (commencing with Section 16050).

In lieu of suspending a driver's license pursuant to this subdivision, the department shall restrict the driver's license to driving that is required in the course of the person's primary employment, if the department determines that the driving of a motor vehicle is necessary to perform the duties of that employment. The restriction shall remain in effect so long as suspension would otherwise be required by this subdivision.

This subdivision does not apply to a driver who is driving a motor vehicle owned, operated, or leased by the employer of the driver and driven with the permission of the employer.

(d) This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date.

SEC. 13. Section 16031 of the Vehicle Code is amended to read:

16031. (a) The notices to the department authorized by subdivisions (a) and (b) of Section 40509 shall be given in all instances of failure to appear or pay a fine for violation of subdivision (a) of Section 16028. Notwithstanding Section 13365, the department except as provided in subdivision (b) of this section and Section 16035 shall suspend the driving privilege of any person for whom this notification is received, as provided in Section 13365, regardless of whether there are prior notifications of violations of subdivision (a) of Section 40509 in the person's driving record.

(b) Where (1) a driver's employer is made responsible for a violation of subdivision (a) of Section 16028 pursuant to subdivision (e) of Section 16028 and (2) notice is provided to the department pursuant to subdivision (a) or (b) of Section 40509 for failure of the

employer to appear or pay a fine on account of the violation, the department shall not thereafter renew the registration of the vehicle involved in the offense, if the employer is the owner of the vehicle, until the employer establishes and maintains proof of financial responsibility for the vehicle in the manner prescribed by Section 16034.

(c) This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date.

SEC. 14. Section 16032 of the Vehicle Code is amended to read:

16032. (a) Any unpaid fine or penalty assessment assessed by a court pursuant to Section 16028 or 16029 shall be a lien upon every vehicle registered to the person obligated to pay the fine or penalty assessment. The obligation of this lien may be enforced by seizure and sale of any or all of these vehicles. The sale shall be conducted by the county in which the violation of Section 16028 or 16029 occurred and in the manner prescribed by Chapter 6.5 (commencing with Section 3067) of Title 14 of Part 4 of Division 3 of the Civil Code.

(b) This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date.

SEC. 15. Section 16033 of the Vehicle Code is amended to read:

16033. No public entity or employee is liable for any loss, detriment, or injury resulting directly or indirectly for failure to request evidence of financial responsibility or inaccurately recording the same under Section 16028, or as a result of the driver producing false or inaccurate financial responsibility information.

This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date.

SEC. 16. Section 16034 of the Vehicle Code is amended to read:

16034. (a) Every person convicted of a violation of subdivision (a) of Section 16028 shall, within 60 days of the conviction, file with the department and thereafter maintain for a period of three years, proof of financial responsibility in the same manner as specified in Article 3 (commencing with Section 16050). Every person convicted of a violation of Section 16029 shall, as a condition to (1) return of the person's driver's license following conclusion of the suspension under those provisions or (2) termination of restrictions imposed pursuant to subdivision (b) of Section 16029 one year after imposition thereof, file with the department and thereafter maintain for a period of three years, proof of financial responsibility in the same manner as specified in Article 3 (commencing with Section 16050). If proof of financial responsibility is established by filing evidence that the person obtained an automobile or motor vehicle liability policy or bond, and coverage under the policy or bond terminates, the insurer or surety shall inform the department of the date of termination.

(b) The department shall obtain the record of persons convicted

of violations of Section 16029 or subdivision (a) of Section 16028 from the courts as provided in Section 1803.

(c) For purposes of this section, a conviction shall be deemed to have occurred if the criteria of Section 13103, 13105, or 40698 are satisfied.

(d) Except as provided in Section 16035 and subdivision (e) of Section 16028, the department shall immediately suspend the driving privileges of any person who fails to file or maintain proof of financial responsibility as required by this section. The suspension shall remain in effect so long as there is a lack of compliance with the requirements of this section.

(e) This section shall remain in effect only until January 1, 1991, and as of that date is repealed unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date.

SEC. 17. Section 16035 of the Vehicle Code is amended to read:

16035. If any person is convicted of a violation of subdivision (a) of Section 16028 or of Section 16029 and the driving of a motor vehicle is necessary to perform the duties of the person's primary employment, the department in lieu of suspending or withholding the person's driving privileges pursuant to Section 16034, shall restrict that person's driving privilege to driving that is required in the person's course of employment. The restriction shall remain in effect so long as suspension or withholding of driving privileges would otherwise be required under Section 16034

This section shall remain in effect only until January 1, 1991, and as of that date if repealed, unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date.

SEC 18. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for those costs which may be incurred by a local agency or school district because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

Moreover, no reimbursement shall be made from the State Mandates Claims Fund pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code for other costs mandated by the state pursuant to this act. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Part 7 (commencing with Section 17500) and any other provisions of law for those other costs.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 1466

An act to amend Section 62000.6 of, and to add Section 62000.14 to, the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

[Became law without Governor's signature Filed with
Secretary of State October 4, 1989]

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

SECTION 1. Notwithstanding any other provisions of law, all sections of the Education Code and of the California Code of Regulations relative to Indian education centers that became inoperative on June 30, 1989, pursuant to Section 62000.10 of the Education Code, as added by Chapter 81 of the Statutes of 1989, shall become operative on the effective date of this act.

SEC. 2. Section 62000.6 of the Education Code, as added by Chapter 73 of the Statutes of 1989, is amended to read:

62000.6. The following program shall sunset on June 30, 1989:
Child development and preschool programs.

SEC. 3. Section 62000.14 is added to the Education Code, to read:

62000.14. The following program shall sunset on January 1, 1992:
Indian education centers.

SEC. 4. 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 minimize the disruption in the operation of Indian education centers that became inoperative on June 30, 1989, it is necessary for this act to take effect immediately as an urgency statute.

CHAPTER 1467

An act to amend Sections 73771.1, 73772, and 73773 of, to repeal Chapter 12 (commencing with Section 76000) of, and to add Chapter 12 (commencing with Section 76010) to, Title 8 of the Government Code, and to amend Section 1464 of the Penal Code, relating to courts and justice facilities.

[Became law without Governor's signature Filed with
Secretary of State October 4, 1989]

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

SECTION 1. Section 73771.1 of the Government Code is amended to read:

73771.1. The judges of the Municipal Court, Judicial District of Marin County, shall appoint one commissioner. The commissioner shall possess the same qualifications as the law requires of the judge of the court. Such appointment shall be made pursuant to Section 72190 of the Government Code.

SEC. 2. Section 73772 of the Government Code is amended to read:

73772. There shall be one clerk, who shall be the administrative officer of the court and who shall receive an annual salary recommended by the municipal court and approved by the board of supervisors.

Any change in the salaries in effect immediately prior to January 1, 1989, shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature.

SEC. 3. Section 73773 of the Government Code is amended to read:

73773. (a) The clerk, with the approval of the judges of the court, may appoint the following employees:

- (1) One assistant clerk administrative officer.
- (2) One administrative services assistant II.
- (3) Five supervising legal clerks.
- (4) One accountant II.
- (5) Nine courtroom clerks.
- (6) Two senior legal clerks.
- (7) Thirteen legal clerks III.
- (8) Thirteen legal clerks II.
- (9) One deputy clerk I (to be converted to legal clerk I).
- (10) Eleven legal clerks I.
- (11) One senior secretary.
- (12) One senior accounting assistant.
- (13) One accounting assistant.
- (14) One CRT/input operator.
- (15) Three intermediate clerks.

(16) Such other employees as the board of supervisors approve upon the recommendation of the municipal court, each of which shall receive a salary recommended by the municipal court and approved by the board of supervisors.

Any appointee shall be compensated at the first step and advanced to each higher step upon completion of the probationary period and each successive 12 months of service thereafter. Upon the recommendation of the municipal court and approval of the board of supervisors, such employees may be employed at, or may be granted, a special step increase to any step within the salary range on the basis of experience and qualifications.

(b) Any change in the salaries in effect immediately prior to January 1, 1989, shall be on an interim basis and shall expire on January 1 of the second calendar year after the calendar year in which the change occurs, unless ratified by the Legislature.

SEC. 4. Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code is repealed.

SEC. 5. Chapter 12 (commencing with Section 76010) is added to Title 8 of the Government Code, to read:

CHAPTER 12. SURCHARGES AND ASSESSMENTS FOR JUSTICE FACILITY CONSTRUCTION

Article 1. Alameda County

76010. This article applies solely to Alameda County.

76011. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund.

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments

established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Except as provided in subdivision (h), but notwithstanding any other provision of law, for the purpose of assisting Alameda County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any

funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

(k) Alameda County may collect funds pursuant to this section only so long as the county maintains the Berkeley-Albany Municipal Court. In the event that the Berkeley-Albany Municipal Court is closed, Alameda County may not collect funds pursuant to this section.

76012. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2).

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of

paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Alameda County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not

limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76013. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Alameda County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system,

may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 2 Alpine County

76020 This article applies solely to Alpine County.

76021. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians

or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Alpine County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowings made by the county to finance construction provided for in this section, whichever time shall be longer.

76022. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to

receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Alpine County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows.

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail

deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76023. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed

in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved

(d) Notwithstanding any other provision of law, to assist Alpine County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 3. Amador County

76030. This article applies solely to Amador County.

76031. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Amador County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section,

whichever time shall be longer.

76032. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Amador County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the

adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76033. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Amador County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing

automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 4. Butte County

76040. This article applies solely to Butte County.

76041. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Statham-Robbins Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Statham-Robbins Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Butte County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of

adequate courtroom facilities in the county, may establish in the county treasury a Statham-Robbins Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Statham-Robbins Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d)

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer

76042. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and

Institutions Code. This amount shall be deposited with the county treasurer and placed in the Statham-Robbins County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the Statham-Robbins County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Butte County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a Statham-Robbins County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Statham-Robbins County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan

repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the Statham-Robbins County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76043. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Butte County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 5 Calaveras County

76050. This article applies solely to Calaveras County.

76051. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (c).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Calaveras County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76052. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2).

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3

(commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Calaveras County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall

be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76053. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall

continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Calaveras County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 6. Colusa County

76060. This article applies solely to Colusa County.

76061. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Colusa County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section,

whichever time shall be longer.

76062. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Colusa County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the

adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessments are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76063. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Colusa County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing

automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 7. Contra Costa County

76070. This article applies solely to Contra Costa County.

76071. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Contra Costa County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the

county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76072. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2).

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum

to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Contra Costa County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used

through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76073. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Contra Costa County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are

necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 8 Del Norte County

76080. This article applies solely to Del Norte County.

76081. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Del Norte County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail

deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76082. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and

Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Del Norte County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and

monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76083. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Del Norte County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 9. El Dorado County

76090. This article applies solely to El Dorado County.

76091. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the

Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting El Dorado County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76092. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to

this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist El Dorado County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section

(f) For purposes of this section, "county criminal justice facilities"

includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e)

76093. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist El Dorado County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle

Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 10. Fresno County

76100. This article applies solely to Fresno County.

76101. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2)

for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Fresno County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or

rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76102. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3

(commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Fresno County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall

be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76103. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to

this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Fresno County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 11. Glenn County

76110. This article applies solely to Glenn County.

76111. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Glenn County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a

resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76112 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2).

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the

Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Glenn County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments

in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76113. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint

Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Glenn County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 12 Humboldt County

76120. This article applies solely to Humboldt County.

76121. (a) Provided that the board of supervisors has adopted a

resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Humboldt County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76122. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2)

for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Humboldt County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon

shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76123. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the

resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Humboldt County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 13. Imperial County

76130. This article applies solely to Imperial County.

76131. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every

ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Imperial County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76132. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision,

for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Imperial County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited

with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76133. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses,

including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Imperial County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 14. Inyo County

76140. This article applies solely to Inyo County.

76141. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities

involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Inyo County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76142. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts

as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Inyo County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the

posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76143. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general

fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Inyo County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any

lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 15. Kern County

76150. This article applies solely to Kern County.

76151. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Kern County in the acquisition, rehabilitation,

construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76152. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess

of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Kern County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum

Standards for Local Detention Facilities” promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76153. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Kern County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to

the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

76154. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Juvenile Justice Facility Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Juvenile Justice Facility Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities

involved.

(d) Notwithstanding any other provision of law, to assist the County of Kern in the funding of the county juvenile justice facilities, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county juvenile justice facilities in the county, may establish in the county treasury a Juvenile Justice Facility Temporary Construction Fund. Deposits shall be made to this fund as follows:

The county treasurer shall place in the fund one dollar (\$1) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(e) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Juvenile Justice Facilities Temporary Construction Fund shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county juvenile justice or county juvenile justice rehabilitation facilities. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) Deposits to the fund in accordance with this section shall continue through and including the 10th year after the initial calendar year in which the assessment is collected, unless this date is extended by a later enacted statute prior to the expiration date.

Article 16. Kings County

76160. This article applies solely to Kings County

76161. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except

offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Kings County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76162. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Kings County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the

Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76163. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Kings County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 17. Lake County

76170. This article applies solely to Lake County.

76171. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Lake County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section,

whichever time shall be longer.

76172 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Lake County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the

adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76173. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Lake County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing

automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 18. Lassen County

76180. This article applies solely to Lassen County.

76181. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Lassen County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1 50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76182. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county,

the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city, and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved

(d) Notwithstanding any other provision of law, to assist Lassen County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits

shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76183. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for

every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Lassen County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 19. Los Angeles County

76190. This article applies solely to Los Angeles County.

76191. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Robbins Courthouse Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Robbins Courthouse Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the Robbins Courthouse Construction Fund are required pursuant to subdivision (j).

(c) No county, city and county, city, district, or other issuing

agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) All courtroom construction in the County of Los Angeles which utilizes moneys from the Robbins Courthouse Construction Fund or moneys borrowed against the Robbins Courthouse Construction Fund shall be within the boundaries of the San Fernando Valley Statistical Area and the Los Cerritos Municipal Court District, until the time that the County of Los Angeles has spent a total of at least forty-three million dollars (\$43,000,000) on courthouse construction within the San Fernando Valley Statistical Area and at least eight million dollars (\$8,000,000) within the Los Cerritos Municipal Court District for the Bellflower Courthouse.

(e) All courtroom construction in the County of Los Angeles which utilizes moneys from the Robbins Courthouse Construction Fund or moneys borrowed against the Robbins Courthouse Construction Fund shall be within the boundaries of the San Fernando Valley Statistical Area, within the boundaries of the East Los Angeles Municipal Court District, within the boundaries of the Los Cerritos Municipal Court District, within the Downey Municipal Court District, within the community of Hollywood, or within the West Los Angeles Branch of the Los Angeles Municipal Court District, until the time that the County of Los Angeles has fulfilled the requirements of subdivision (d) and has additionally spent at least sixteen million five hundred thousand dollars (\$16,500,000) on courthouse construction within the East Los Angeles Municipal Court District, has spent at least ten million dollars (\$10,000,000) on courthouse construction within the Downey Municipal Court District, has commenced construction on a courthouse with at least six courtrooms in the West San Fernando Valley, has commenced construction on a courthouse with at least two courtrooms in the community of Hollywood, has commenced construction on a courthouse for the superior court with at least 18 courtrooms in the North Hollywood Redevelopment Project Area of the City of Los Angeles or immediately adjacent thereto, and has commenced construction on a courthouse for the West Los Angeles Branch of the Los Angeles Municipal Court District

(f) All courtroom construction in the County of Los Angeles which utilizes moneys from the Robbins Courthouse Construction Fund or moneys borrowed against the Robbins Courthouse Construction Fund shall be within the boundaries of the San Fernando Valley Statistical Area, within the boundaries of the East Los Angeles Municipal Court District, within the boundaries of the Los Cerritos Municipal Court District, within the Downey Municipal Court District, within the community of Hollywood, within the Pasadena Judicial District, within the Southeast Municipal Court District, or the South Bay Judicial District, or within the Santa

Monica Judicial District, until the time that the County of Los Angeles has fulfilled the requirements of subdivisions (d) and (e), and has commenced construction of new facilities or the expansion of existing facilities for the municipal courts in the Pasadena Judicial District, the north and south branches of the Southeast Municipal Court District the South Bay Judicial District, and the Santa Monica Judicial District, and a facility for the superior and municipal courts in the Antelope Valley Judicial District.

(g) For purposes of this section, the San Fernando Valley Statistical Area includes all land within the San Fernando Valley Statistical Area (as defined in subdivision (c) of Section 11093) as well as the City of San Fernando, the City of Hidden Hills, and the unincorporated areas of Los Angeles County located west of the City of Los Angeles, east and south of the Ventura County line, and north of a line extended westerly from the southern boundary of the San Fernando Valley Statistical Area (as defined in subdivision (c) of Section 11093).

(h) Notwithstanding any other provision of law, to assist the County of Los Angeles in the funding of courtroom construction, the Board of Supervisors of Los Angeles County shall establish in the county treasury a Robbins Courthouse Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. The moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. The payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(i) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Robbins Courthouse Construction Fund together with any interest earned thereon shall be payable only for courtroom construction and land acquisition as authorized in subdivision (d) and, after the requirement of subdivision (d) has been met, shall be payable only for courtroom construction and land acquisition as authorized in subdivision (e) and, after the requirements of subdivisions (d) and (e) have been met, shall be payable only for courtroom construction and land acquisition as authorized in

subdivision (f). However, on or after June 1 in any fiscal year and until June 1, 1988, the County of Los Angeles may make temporary transfers of fund moneys to its general fund to assist the county in balancing its general fund. Any such transfer shall be treated as an advance and shall be repaid to the Robbins Courthouse Construction Fund within 180 days of the transfer.

(j) Deposits to the fund in accordance with subdivision (g) shall continue through and including either (1) the 25th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowings made by the county to pay for construction provided for in this section, whichever time is longer.

(k) The resolution adopted by the Board of Supervisors of the County of Los Angeles on September 2, 1980, stating that the provisions of Chapter 578 of the Statutes of 1980 are necessary to the establishment of adequate courtroom facilities in the County of Los Angeles shall be deemed a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, and shall satisfy the requirement of this section.

76192 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum

to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Los Angeles County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used

through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76193 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Los Angeles County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated

Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 20 Madera County

76200. This article applies solely to Madera County.

76201. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general

fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Madera County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76202. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the

posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Madera County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to

the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76203. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Madera County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 21. Marin County

76210. This article applies solely to Marin County.

76211. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Marin County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to this section. The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or

buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place all assessment amounts collected in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(h) Subdivisions (d) to (g), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76212. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2).

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle

Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Marin County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice

and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76213. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Marin County in the implementation of an automated fingerprint

identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 22. Mariposa County

76220. This article applies solely to Mariposa County.

76221. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses,

including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Mariposa County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76222. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Mariposa County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows.

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to

receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76223. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians

or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Mariposa County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any

lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 23. Mendocino County

76230. This article applies solely to Mendocino County.

76231. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Mendocino County in the acquisition, rehabilitation,

construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76232 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to

receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Mendocino County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail

deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76233. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed

in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Mendocino County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 24. Merced County

76240. This article applies solely to Merced County.

76241. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Merced County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section,

whichever time shall be longer.

76242. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2).

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Merced County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the

adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76243. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Merced County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing

automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 25. Modoc County

76250. This article applies solely to Modoc County.

76251. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved

(d) Notwithstanding any other provision of law, for the purpose of assisting Modoc County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer

76252. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county,

the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Modoc County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits

shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76253. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for

every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Modoc County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein

Article 26. Mono County

76260. This article applies solely to Mono County.

76261. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing

agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Mono County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1 50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76262. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision,

for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Mono County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited

with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76263. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses,

including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Mono County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 27. Monterey County

76270. This article applies solely to Monterey County.

76271. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Monterey County in the acquisition, lease, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, and the improvement of criminal justice automated information systems, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to this section. The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, lease, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to

rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place all assessment amounts collected in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(h) Subdivisions (d) to (g), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76272. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Monterey County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76273. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing

agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Monterey County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 28. Napa County

76280. This article applies solely to Napa County.

76281. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to

the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Napa County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76282. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county,

the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Napa County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits

shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e)

76283. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for

every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Napa County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 29. Nevada County

76290. This article applies solely to Nevada County.

76291. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing

agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Nevada County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76292. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision,

for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Nevada County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited

with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76293. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses,

including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Nevada County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 30. Orange County

76300. This article applies solely to Orange County.

76301. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities

involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Orange County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76302. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant

to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Orange County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition

to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76303. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Orange County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle

Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

76304 Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, there shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the fund established pursuant to subdivision (d)

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (d) or (e).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section.

(d) Notwithstanding any other provision of law, to assist Orange County in the funding of county criminal justice facility transition planning, the Board of Supervisors of Orange County, operative upon the adoption of a resolution stating that the provisions of this section are necessary to county criminal justice facility transition planning, may establish in the county treasury an Orange County Transition Planning Trust Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) Notwithstanding any other provision of law, to assist Orange County in the operation of the county jail, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to county jail operation, may establish in the county treasury a County Jail Fund.

(f) The fund moneys, together with any interest earned thereon, shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the fund, together with any interest earned thereon, shall be payable only for county criminal justice facility transition planning. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(g) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms.

(h) Deposits to the Orange County Transition Planning Trust Fund shall continue through and include the second year after the initial calendar year in which the assessment is collected. Deposits to the County Jail Fund shall continue until January 1, 2000.

(i) Subdivision (d) of this section shall remain in operation only until July 1, 1990, and shall become inoperative on that date, unless a later enacted statute which is chaptered before July 1, 1990, deletes or extends that date.

(j) Subdivision (e) of this section shall become operative on July 1, 1990.

Article 31. Placer County

76310. This article applies solely to Placer County.

76311. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Placer County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or

buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76312. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments

specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Placer County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for

each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76313. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established

by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Placer County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 32. Plumas County

76320. This article applies solely to Plumas County.

76321. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Plumas County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon

shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76322. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Plumas County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is

constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76323. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Plumas County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to

the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 33. Riverside County

76330. This article applies solely to Riverside County.

76331. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess

of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Riverside County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to this section. The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place all assessment amounts collected in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(h) Subdivisions (d) to (g), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76332. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county,

the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Riverside County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits

shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76333. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for

every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Riverside County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased,

operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 34. Sacramento County

76340. This article applies solely to Sacramento County.

76341. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are

required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Sacramento County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the

fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76342. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and

Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sacramento County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, county juvenile justice rehabilitation facilities, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1 50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not

limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76343 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sacramento County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint

identification system. may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 35. San Benito County

76350. This article applies solely to San Benito County.

76351. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to

receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting San Benito County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the

county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76352. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county

treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Benito County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce

an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76353. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Benito County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50)

for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 36. San Bernardino County

76360. This article applies solely to San Bernardino County.

76361. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the

increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting San Bernardino County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, and the maintenance, operation, construction, reconstruction, or expansion of county juvenile justice rehabilitation facilities, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed

pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76362. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this

subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Bernardino County in the funding of county criminal justice facilities construction, the improvement of criminal justice automated information systems, and the maintenance, operation, construction, reconstruction, or expansion of county juvenile justice rehabilitation facilities, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to

receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, for improvement of criminal justice automated information systems, or for the maintenance, operation, construction, reconstruction, or expansion of county juvenile justice rehabilitation facilities. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76363. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any

local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Bernardino County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California

Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 37 San Diego County

76370. This article applies solely to San Diego County.

76371. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund.

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (1).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except

as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting San Diego County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the

Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76372. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2)

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal

Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Diego County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention

facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e)

76373. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Diego County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal

offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 38. City and County of San Francisco

76380. This article applies solely to City and County of San Francisco.

76381. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the

surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting the City and County of San Francisco in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the Board of Supervisors of the City and County of San Francisco shall establish in the city and county treasury a San Francisco Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (h), (i), and (j). The moneys of the San Francisco Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the City and County of San Francisco may use the moneys of the San Francisco Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if new courtrooms or a courtroom building or buildings are acquired, constructed or financed or (2) to acquire, rehabilitate, construct or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtrooms or excess courtroom building or

buildings that are acquired, rehabilitated, constructed or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amounts received as lease or rental payments pursuant to this subdivision shall be deposited in the San Francisco Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g) and (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, shall become operative upon the adoption of a resolution by the Board of Supervisors of the City and County of San Francisco stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the City and County of San Francisco, setting forth the surcharge or surcharges to be levied, the amount of such surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the Clerk of the City and County of San Francisco to transmit, on the next business day following the adoption of said resolution, a copy of that resolution to the Clerk of the Municipal Court of the City and County of San Francisco.

76381.5 (a) Notwithstanding any other provisions of law, for the purpose of assisting the City and County of San Francisco in the acquisition, rehabilitation, construction and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the Board of Supervisors of the City and County of San Francisco shall establish in the city and county treasury a San Francisco Courthouse Temporary Construction Fund into which shall be deposited the

amounts collected pursuant to subdivision (d). The moneys of the San Francisco Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for the foregoing purposes and at the time necessary therefor, and for the purposes set forth in subdivision (b) and at the time necessary therefor.

(b) In conjunction with the acquisition, rehabilitation, construction or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (a), the City and County of San Francisco may use the moneys of the San Francisco Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if new courtrooms or a courtroom building or buildings are acquired, constructed or financed or (2) to acquire, rehabilitate, construct or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(c) Any excess courtrooms or excess courtroom building or buildings that are acquired, rehabilitated, constructed or financed pursuant to subdivision (b) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amounts received as lease or rental payments pursuant to this subdivision shall be deposited in the San Francisco Courthouse Temporary Construction Fund.

(d) In the City and County of San Francisco, a surcharge for the purpose and for the time set forth in this section may be added to any filing fee in any civil action in either the municipal court or in any civil or probate action in the superior court. The surcharge shall be in an amount, not to exceed fifty dollars (\$50), and shall be collected in a manner as set forth in a resolution adopted by the Board of Supervisors of the City and County of San Francisco.

76382 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the

Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Francisco County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments

in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76383. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint

Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Francisco County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 39. San Joaquin County

76390. This article applies solely to San Joaquin County.

76391. (a) Provided that the board of supervisors has adopted a

resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting San Joaquin County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only

for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the

adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76392. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Joaquin County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated

information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects

specified in subdivision (d) or (e).

76393. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Joaquin County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with

any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 40. San Luis Obispo County

76400. This article applies solely to San Luis Obispo County.

76401. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting San Luis Obispo County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the

operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to this section. The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place all assessment amounts collected in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code

Deposits to the fund in accordance with this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(h) Subdivisions (d) to (g), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76402. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2).

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Luis Obispo County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to

receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1 50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e)

76403. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians

or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Luis Obispo County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the

20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 41. San Mateo County

76410. This article applies solely to San Mateo County.

76411 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting San Mateo County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, 1463 of the Penal Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and

this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76412. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Mateo County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is

constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76413. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist San Mateo County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code

except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein

Article 42. Santa Barbara County

76420. This article applies solely to Santa Barbara County.

76421. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be

collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (1).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Santa Barbara County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (1). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the

Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected or each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76422. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the

Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Santa Barbara County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments

in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76423. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County

Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Santa Barbara County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein

Article 43 Santa Clara County

76430. This article applies solely to Santa Clara County.

76431. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Santa Clara County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall

establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1 50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to

the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76432. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities.

involved.

(d) Notwithstanding any other provision of law, to assist Santa Clara County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2),

and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76433. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Santa Clara County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 44 Santa Cruz County

76440. This article applies solely to Santa Cruz County.

76441. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle

Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (i).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Santa Cruz County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to subdivisions (g), (h), and (i). The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division

pursuant to Section 1463 of the Penal Code.

(h) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(i) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with subdivisions (g), (h), and this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(j) Subdivisions (d) to (i), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county setting forth the surcharge or surcharges, and the manner in which such surcharge or surcharges shall be collected, and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court

76442. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be

collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Santa Cruz County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to

transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76443. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments

established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved

(d) Notwithstanding any other provision of law, to assist Santa Cruz County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 45. Shasta County

76450. This article applies solely to Shasta County.

76451. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Statham-Robbins Courthouse

Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Statham-Robbins Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Shasta County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Statham-Robbins Courthouse Temporary Construction Fund

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Statham-Robbins Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76452. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county,

the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Stham-Robbins County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the Stham-Robbins County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Shasta County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a Stham-Robbins County Criminal Justice Facility Temporary

Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Statham-Robbins County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the Statham-Robbins County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76453. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for

every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Shasta County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 46. Sierra County

76460. This article applies solely to Sierra County.

76461. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sierra County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon

shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowings made by the county to finance construction provided for in this section, whichever time shall be longer.

76462. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g)

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sierra County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is

constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or lease-back arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76463. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sierra County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to

the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein

Article 47. Siskiyou County

76470. This article applies solely to Siskiyou County.

76471. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine,

penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Siskiyou County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom

construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76472. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except

as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Siskiyou County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76473. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Siskiyou County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e)

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon

shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 48. Solano County

76480. This article applies solely to Solano County.

76481. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose

of assisting Solano County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to this section. The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place all assessment amounts collected in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(h) Subdivisions (d) to (g), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76482 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision,

for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Solano County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows.

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited

with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76483 (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses,

including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Solano County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or

retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

76484. Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, there shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the fund established pursuant to subdivision (d).

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (d) or (e).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section.

(d) Notwithstanding any other provision of law, to assist Solano County in the funding of county criminal justice facility transition planning, the Board of Supervisors of Solano County operative upon the adoption of a resolution stating that the provisions of this section are necessary to county criminal justice facility transition planning, may establish in the county treasury a Solano County Transition Planning Trust Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section, in the fund.

(e) Notwithstanding any other provision of law, to assist Solano County in the operation of the county jail, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to county jail operations, may establish in the county treasury a County Jail Fund.

(f) The fund moneys, together with any interest earned thereon, shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the fund, together with any interest earned thereon, shall be payable only for county criminal justice facility transition

planning. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(g) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms.

(h) Deposits to the Solano County Transition Planning Trust Fund shall continue through and include the second year after the initial calendar year in which the assessment is collected. Deposits to the County Jail Fund shall continue until January 1, 2000.

(i) Subdivision (d) of this section shall remain in operation only until July 1, 1990, and shall become inoperative on that date, unless later enacted statute which is chaptered before July 1, 1990, deletes or extends that date.

(j) Subdivision (e) of this section shall become operative on July 1, 1990.

Article 49. Sonoma County

76490 This article applies solely to Sonoma County.

76491. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Sonoma County in the acquisition, rehabilitation,

construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to this section. The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place all assessment amounts collected in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code

Deposits to the fund in accordance with this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(h) Subdivisions (d) to (g), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76492. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a

surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sonoma County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of

the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76493. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any

local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sonoma County in the implementation of an automated fingerprint identification system the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California

Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 50. Stanislaus County

76500. This article applies solely to Stanislaus County.

76501. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Stanislaus County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to this section. The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to

rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place all assessment amounts collected in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code

Deposits to the fund in accordance with this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(h) Subdivisions (d) to (g), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76502. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Stanislaus County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76503. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing

agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Stanislaus County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 51. Sutter County

76510. This article applies solely to Sutter County.

76511. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to

the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sutter County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76512. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except

that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sutter County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76513. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected

together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Sutter County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint

equipment” shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 52. Tehama County

76520. This article applies solely to Tehama County.

76521. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess

of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Tehama County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76522. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a

surchage of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Tehama County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of

the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76523. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any

local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Tehama County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the

20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 53. Trinity County

76530. This article applies solely to Trinity County.

76531. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Trinity County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76532. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this

subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Trinity County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3

(commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76533. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3)

of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Trinity County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 54. Tulare County

76540. This article applies solely to Tulare County.

76541. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Tulare County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a

resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76542. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the

Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Tulare County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments

in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76543. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint

Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Tulare County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 55. Tuolumne County

76550. This article applies solely to Tuolumne County.

76551. (a) Provided that the board of supervisors has adopted a

resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, the following surcharges and assessments shall be collected with respect to the Courthouse Temporary Construction Fund:

(1) For every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved

(d) Notwithstanding any other provision of law, for the purpose of assisting Tuolumne County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

(e) The county treasurer shall place in the fund one dollar and fifty cents (\$1.50) for each parking case presented to or filed in the courts of the county. Such moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(f) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each violation which is not filed in court to the county treasurer. Such payments to the county treasurer shall be made monthly, and the treasurer shall deposit all such sums in the fund.

(g) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

Deposits to the fund in accordance with subdivisions (e), (f), and this subdivision shall continue through and including either (1) the 20th year after the initial calendar year in which the surcharge is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76552. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2)

for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Tuolumne County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon

shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76553. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the

resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Tuolumne County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 56. Ventura County

76560. This article applies solely to Ventura County.

76561. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for

every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Ventura County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to this section. The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place all assessment amounts

collected in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(h) Subdivisions (d) to (g), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county and instructing the county clerk to transmit, on the next business day following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76562. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to

this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Ventura County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities"

includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76563. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Ventura County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty,

or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 57. Yolo County

76570. This article applies solely to Yolo County.

76571. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, for the purpose of assisting Yolo County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system, the board of supervisors shall establish in the county treasury a Courthouse Temporary Construction Fund into which shall be deposited the amounts collected pursuant to this section. The moneys of the Courthouse Temporary Construction Fund shall be payable only for the purposes set forth in subdivision (e) and at the time necessary therefor.

(e) In conjunction with the acquisition, rehabilitation, construction, or financing of courtrooms or of a courtroom building or buildings referred to in subdivision (d), the county may use the moneys of the Courthouse Temporary Construction Fund (1) to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if a new courtroom or a courtroom building or buildings are acquired, constructed, or financed or (2) to acquire, rehabilitate, construct, or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time.

(f) Any excess courtroom or excess courtroom building or buildings that are acquired, rehabilitated, constructed, or financed pursuant to subdivision (e) may be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system. Any amount received as lease or rental payments pursuant to this subdivision shall be deposited in the Courthouse Temporary Construction Fund.

(g) The county treasurer shall place all assessment amounts collected in the fund.

The fund moneys shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code.

Deposits to the fund in accordance with this subdivision shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected.

(h) Subdivisions (d) to (g), inclusive, of this section shall become operative upon the adoption of a resolution by the board of supervisors stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county and instructing the county clerk to transmit, on the next business day

following the adoption of the resolution, a copy of the resolution to the clerk of the municipal court.

76572. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1.50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of two dollars (\$2) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Yolo County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated

information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects

specified in subdivision (d) or (e).

76573. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Yolo County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with

any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

Article 58. Yuba County

76580. This article applies solely to Yuba County.

76581. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate court facilities in the county, there shall be levied with respect to the Courthouse Temporary Construction Fund an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. These amounts shall be deposited with the county treasurer and placed in the Courthouse Temporary Construction Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the funds are required pursuant to subdivision (f).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Yuba County in the acquisition, rehabilitation, construction, and financing of courtrooms or of a courtroom building or buildings containing facilities necessary to the operation of the courts, the board of

supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate courtroom facilities in the county, may establish in the county treasury a Courthouse Temporary Construction Fund.

The county treasurer shall place all assessment amounts collected pursuant to this section in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys of the Courthouse Temporary Construction Fund together with any interest earned thereon shall be payable only for courtroom construction as authorized in subdivision (d).

(f) Deposits to the fund in accordance with subdivision (d) shall continue through and including either (1) the 20th year after the initial calendar year in which the assessment is collected or (2) whatever period of time is necessary to repay any borrowing made by the county to finance construction provided for in this section, whichever time shall be longer.

76582. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate criminal justice facilities in the county, the following surcharges and assessments shall be collected, except that the resolution may limit the collection to the assessments specified in paragraph (2):

(1) Except as limited by resolution pursuant to this subdivision, for every parking offense where a fine or forfeiture is imposed, a surcharge of one dollar and fifty cents (\$1 50) shall be included in the fine or forfeiture.

The judges of the county shall increase the bail schedule amounts as appropriate to reflect the surcharge provided for by this subdivision.

In those cities, districts, or other issuing agencies which elect to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, that city, district, or issuing agency shall observe the increased bail amounts as established by the court reflecting the surcharge provided for by this paragraph.

(2) There shall be levied an additional amount of one dollar (\$1) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and

Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Criminal Justice Facility Temporary Construction Fund.

(b) The surcharge and assessment increase imposed pursuant to this section shall continue so long as deposits to the County Criminal Justice Facility Temporary Construction Fund are required pursuant to subdivision (g).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the surcharges and assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Yuba County in the funding of county criminal justice facilities construction and the improvement of criminal justice automated information systems, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to the establishment of adequate county criminal justice facilities in the county, may establish in the county treasury a County Criminal Justice Facility Temporary Construction Fund. Deposits shall be made to the fund, as follows:

(1) The county treasurer shall place in the fund one dollar (\$1) for each parking case presented to or filed in the courts of the county. These moneys shall be taken from fines and forfeitures deposited with the treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(2) Each city, district, or other issuing agency which elects to receive, deposit, accept forfeitures, and otherwise process the posting of bail for parking violations pursuant to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code, shall pay one dollar and fifty cents (\$1.50) for each bail deposit collected on each bail violation which is not filed in court to the county treasurer. These payments to the county treasurer shall be made monthly, and the treasurer shall deposit all those payments in the fund.

(3) The county treasurer shall place all additional assessment amounts collected on nonparking offenses in the fund.

(e) The fund moneys together with any interest earned thereon shall be held by the treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the County Criminal Justice Facility Temporary Construction Fund together with any interest earned thereon shall be payable only for construction, reconstruction, expansion, improvement, operation, or maintenance of county criminal justice and court facilities, and for improvement of criminal justice automated information systems. The money in the fund may be used through any public agency funding mechanism, including, but not limited to, retirement of bonded indebtedness, loan repayments, and

monthly payments involving lease-purchase programs, which reduce an obligation incurred in reliance upon the authority granted by this section.

(f) For purposes of this section, "county criminal justice facilities" includes, but is not limited to, jails, women's centers, detention facilities, juvenile halls, and courtrooms. Any new jail, or any addition to an existing jail that provides new cells or beds, which is constructed with moneys from the County Criminal Justice Facility Temporary Construction Fund shall comply with the "Minimum Standards for Local Detention Facilities" promulgated by the Board of Corrections.

(g) Deposits to the fund in accordance with paragraphs (1), (2), and (3) of subdivision (d) shall continue through and including the 20th year after the initial calendar year in which the surcharge and assessment are collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified in subdivision (d) or (e).

76583. (a) Provided that the board of supervisors has adopted a resolution stating that the provisions of this section are necessary to the establishment of adequate fingerprint facilities in the county, there shall be levied an additional amount of fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof which shall be collected together with and in the same manner as the assessment established by Section 1464 of the Penal Code, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. This amount shall be deposited with the county treasurer and placed in the County Automated Fingerprint Identification Fund.

(b) The assessment increase imposed pursuant to this section shall continue so long as deposits to the County Automated Fingerprint Identification Fund are required pursuant to subdivision (h).

(c) No county, city and county, city, district, or other issuing agency shall be required to contribute revenues to any fund in excess of those revenues generated from the assessments established in the resolution adopted pursuant to this section, except as otherwise agreed upon by the local governmental entities involved.

(d) Notwithstanding any other provision of law, to assist Yuba County in the implementation of an automated fingerprint identification system, the board of supervisors, operative upon the adoption of a resolution stating that the provisions of this section are necessary to provide an adequate fingerprint identification system, may establish in the county treasury a County Automated Fingerprint Identification Fund. Deposits shall be made to this fund as specified in subdivision (e).

(e) The county treasurer shall place in the fund fifty cents (\$0.50) for every ten dollars (\$10) or fraction thereof for every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code.

(f) The fund moneys together with any interest earned thereon shall be held by the county treasurer separate from any funds subject to transfer or division pursuant to Section 1463 of the Penal Code. The moneys in the Automated Fingerprint Identification Fund with any interest thereon shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and the replacement of existing automated fingerprint equipment, or for the reimbursement of local agencies within the county which have previously purchased, leased, operated, or maintained automated fingerprint equipment from other funding sources.

(g) For purposes of this section "automated fingerprint equipment" shall mean that equipment designated for the storage or retrieval of fingerprint data which is compatible with the California Identification System Remote Access Network.

(h) Deposits to the fund shall continue through and including the 20th year after the initial calendar year in which the assessment is collected, or longer if and as necessary to make payments upon any lease or leaseback arrangement utilized to finance any of the projects specified herein.

SEC. 9. Section 1464 of the Penal Code is amended to read:

1464. (a) Subject to Chapter 12 (commencing with Section 76010) of Title 8 of the Government Code, there shall be levied an assessment in an amount equal to seven dollars (\$7) for every ten dollars (\$10) or fraction thereof, upon every fine, penalty, or forfeiture imposed and collected by the courts for criminal offenses, including all offenses involving a violation of a section of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code, except offenses relating to parking or registration or offenses by pedestrians or bicyclists, or where an order is made to pay a sum to the general fund of the county pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 258 of the Welfare and Institutions Code. Any bail schedule adopted pursuant to Section 1269b may include the necessary amount to pay the assessments established by this section and Chapter 12 (commencing with Section 76010) of Title 8 of the Government Code for all matters where a personal appearance is not mandatory and the bail is posted primarily to guarantee payment of the fine.

(b) Where multiple offenses are involved, the assessment shall be

based upon the total fine or bail for each case. When a fine is suspended, in whole or in part, the assessment shall be reduced in proportion to the suspension.

(c) When any deposited bail is made for an offense to which this section applies, and for which a court appearance is not mandatory, the person making the deposit shall also deposit a sufficient amount to include the assessment prescribed by this section for forfeited bail. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

(d) In any case where a person convicted of any offense, to which this section applies, is in prison until the fine is satisfied, the judge may waive all or any part of the assessment, the payment of which would work a hardship on the person convicted or his or her immediate family.

(e) After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. The portion thereof attributable to Chapter 12 (commencing with Section 76010) of Title 8 of the Government Code shall be deposited in the appropriate county fund and the balance shall then be transmitted to the State Treasury to be deposited in the Assessment Fund, which is hereby created. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

(f) Of moneys so deposited, the revenues attributable to the increase in the assessment from five dollars (\$5) to seven dollars (\$7), as determined by the Department of Finance, shall be transmitted to the State Treasury to be deposited directly into the Restitution Fund. The remainder shall be distributed as follows:

(1) Once a month there shall be transferred into the Fish and Game Preservation Fund an amount equal to 0.38 percent of the funds deposited in the Assessment Fund during the preceding month, but in no event shall the amount be less than the assessment levied on fines or forfeitures for violation of state laws relating to the protection or propagation of fish and game. These moneys are to be used for the education or training of department employees which fulfills a need consistent with the objectives of the Department of Fish and Game.

(2) Once a month there shall be transferred into the Restitution Fund an amount equal to 22.12 percent of the funds deposited in the Assessment Fund during the preceding month. Those funds shall be made available in accordance with subdivision (b) of Section 13967 of the Government Code.

(3) Once a month there shall be transferred into the Peace Officers' Training Fund an amount equal to 27.75 percent of the funds deposited in the Assessment Fund during the preceding month.

(4) Once a month there shall be transferred into the Driver Training Penalty Assessment Fund an amount equal to 29.73 percent of the funds deposited in the Assessment Fund during the preceding

month.

(5) Once a month there shall be transferred into the Corrections Training Fund an amount equal to 9.12 percent of the funds deposited in the Assessment Fund during the preceding month. Money in the Corrections Training Fund is not continuously appropriated and shall be appropriated in the Budget Act.

(6) Once a month there shall be transferred into the Local Public Prosecutors and Public Defenders Training Fund established pursuant to Section 11503 an amount equal to 0.90 percent of the funds deposited in the Assessment Fund during the preceding month. The amount so transferred shall not exceed the sum of eight hundred fifty thousand dollars (\$850,000) in any fiscal year. The remainder in excess of eight hundred fifty thousand dollars (\$850,000) shall be transferred to the Restitution Fund.

(7) Once a month there shall be transferred into the Victim-Witness Assistance Fund an amount equal to 10.00 percent of the funds deposited in the Assessment Fund during the preceding month.

(g) (1) Notwithstanding subdivision (f), of moneys so deposited, the revenues attributable to the assessment provided for in subdivision (i) of Section 27315 of the Vehicle Code shall, on a monthly basis, be transferred to the Traumatic Brain Injury Fund, created pursuant to Section 5564.6 of the Welfare and Institutions Code, until the amount deposited in the Traumatic Brain Injury Fund, as determined by the Department of Finance, for any fiscal year equals five hundred thousand dollars (\$500,000). All moneys in excess of that amount shall be utilized in accordance with subdivision (f).

(2) Any moneys deposited in the Assessment Fund attributable to the assessments made pursuant to subdivision (i) of Section 27315 of the Vehicle Code on or after the date that Chapter 6.6 (commencing with Section 5564) of Part 1 of Division 5 of the Welfare and Institutions Code is repealed shall be utilized in accordance with subdivision (f).

SEC. 6. The repeal of Chapter 12 (commencing with Section 76000) of Title 8 of, and the enactment of Chapter 12 (commencing with Section 76010) of Title 8 of, the Government Code by this act is not intended to invalidate any resolution adopted by a board of supervisors under prior law, and any such resolution shall be given full force and effect as though it were adopted pursuant to Chapter 12 (commencing with Section 76010) as added to Title 8 of the Government Code by this act.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that

the act takes effect pursuant to the California Constitution.

CONCURRENT AND JOINT RESOLUTIONS
AND CONSTITUTIONAL AMENDMENTS

1989–90

REGULAR SESSION

1989 RESOLUTION CHAPTERS

RESOLUTION CHAPTER 1

Senate Concurrent Resolution No. 3—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State December 8, 1988]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That, pursuant to Section 10201 of the Government Code, Bion M. Gregory is selected as the Legislative Counsel of California.

RESOLUTION CHAPTER 2

Senate Concurrent Resolution No. 9—Relative to the Joint Committee on Refugee Resettlement, International Migration, and Cooperative Development

[Filed with Secretary of State February 8, 1989]

WHEREAS, Since 1975, more than 400,000 refugees have resettled in the State of California; and

WHEREAS, The Immigration Reform and Control Act of 1986 (Public Law 99-603) provides for the legalization of about 1,500,000 undocumented residents in the State of California and the imposition of penalties for hiring undocumented residents; and

WHEREAS, There is a high probability that there will be future infusions of refugees and immigrants into the state; and

WHEREAS, Refugee and immigrant newcomers desire to become contributing members of their adopted country as quickly as possible and require a range of services and protection from discrimination in our society; and

WHEREAS, Addressing these needs will require a joint effort by state and local public and private entities; and

WHEREAS, The State of California has a strong commitment and obligation to ensure a healthy environment both for the newcomers and for the residents already within its borders; and

WHEREAS, Although the newcomers are primarily a federal responsibility, it is in the best interests of the State of California to maintain a capacity for assisting those already here and for meeting the needs of future refugees and immigrants to the state; and

WHEREAS, The Legislature has the responsibility for budgetary and policy concerns that affect those refugees and immigrants who reside in the state; and

WHEREAS, It is in the best interests of all citizens of the state for the Legislature to maintain strong leadership in forming state policy and impacting federal policy and budget decisions; and

WHEREAS, The varied backgrounds represented by these

refugees and immigrants provide an opportunity for California's industries to benefit from their special skills, talent, and knowledge by applying their contributions to enhance the state's economy; and

WHEREAS, It is the responsibility of the Legislature to review the state's economic policies and how those policies can most effectively address the impact of international migration; and

WHEREAS, The broadened scope of international migration into California has increased the importance for the Legislature of becoming familiar with the economic health of foreign nations as it relates to immigration and domestic integration; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Refugee Resettlement, International Migration, and Cooperative Development is hereby created, and authorized to do all of the following:

(a) Conduct hearings in high-impact counties and develop recommendations addressing specific concerns relating to international migration and the implementation of the Immigration Reform and Control Act of 1986;

(b) Develop policy recommendations on specific refugee and immigrant-related issues for consideration by the Legislature as well as by the United States Congress;

(c) Develop recommendations on better coordination of public and private resources for more effective integration of refugees and immigrants into the communities of California;

(d) Make recommendations on maximizing the federal moneys to which the state and local governments of California are entitled relative to the status and assimilation of refugees, immigrants, and undocumented residents;

(e) Provide a basic policy and fiscal analysis of the economic interrelationship between the State of California and foreign nations as it relates to international migration and domestic integration;

(f) Provide a forum for discussion of issues relating to cooperative development and the impact international fiscal policies have on both the health of the state's economy and the formulation of state policies as they affect international migration and domestic integration; and be it further

Resolved, That the committee shall consist of seven Members of the Senate, appointed by the Senate Committee on Rules, and seven Members of the Assembly, appointed by the Speaker of the Assembly; and be it further

Resolved, That the committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members; and be it further

Resolved, That the committee has the following additional powers and duties:

(a) To establish the following advisory councils to the joint committee:

(1) An advisory council on refugee resettlement to be composed of representatives of state and local government agencies and the refugee community, as well as private organizations directly involved with the resettlement, health, welfare, education, employment, and cultural adjustment of refugees.

(2) An advisory council on international migration to be composed of representatives of state and local government agencies and the immigrant community, as well as private organizations directly involved with the temporary and permanent status, health, welfare, education, employment, and cultural adjustment of immigrants.

(3) An advisory council on cooperative development to be composed of representatives of state and local government agencies and private entities directly involved with the study, development, or promotion of California's economy as it relates to immigration and domestic integration.

(b) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the Senate Committee on Rules may make such money available from the Contingent Fund of the Senate as it deems necessary for expenses of the joint committee and its members and the advisory councils to the joint committee. Any expenditure of money shall be made in compliance with policies set forth by the Senate Committee on Rules and shall be subject to the approval of that committee. The joint committee shall, within 15 days of authorization, and annually thereafter, present its annual budget to the Joint Committee on Rules for its review and comment; and be it further

Resolved, That the committee shall be terminated on January 31, 1991.

RESOLUTION CHAPTER 3

Senate Concurrent Resolution No. 5—Relative to the Joint Committee on Courthouse Financing and Construction.

[Filed with Secretary of State February 10, 1989]

WHEREAS, The judicial branch of state government provides a great number of necessary and vital services to the people of California; and

WHEREAS, There is a significant and growing need to construct and finance new court facilities to serve the judicial needs of the people of California; and

WHEREAS, It is recognized that existing court facilities may not be adequate to allow efficient and timely processing of pending and anticipated caseloads; and

WHEREAS, Before courthouses are built, careful research and planning are essential to ensure that space allocations and designs reflect current and future court requirements; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Courthouse Financing and Construction is hereby established; and be it further

Resolved, That, pursuant to Joint Rule 36.5, the Joint Committee on Courthouse Financing and Construction shall consist of three Members of the Senate, appointed by the Senate Committee on Rules, and three Members of the Assembly, appointed by the Speaker of the Assembly; and be it further

Resolved, That the Joint Committee on Courthouse Financing and Construction and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the joint committee and its members; and be it further

Resolved, That the Senate Committee on Rules may make money available from the Contingent Fund of the Senate as it deems necessary for the expenses of the Joint Committee on Courthouse Financing and Construction and its members. Any expenditure of money by the joint committee shall be made in compliance with policies set forth by the Senate Committee on Rules and shall be subject to the approval of the Senate Committee on Rules; and be it further

Resolved, That the Joint Committee on Courthouse Financing and Construction shall, within 15 days of its authorization, and annually thereafter, present its annual budget to the Joint Committee on Rules for its review and comment; and be it further

Resolved, That, on or before January 31, 1991, the Joint Committee on Courthouse Financing and Construction shall report to the Legislature as to the status of courthouse construction within the state and the methods available to finance courthouse construction within the state; and be it further

Resolved, That the Joint Committee on Courthouse Financing and Construction is authorized to act until January 31, 1991, and as of that date shall cease to exist

RESOLUTION CHAPTER 4

Senate Concurrent Resolution No. 6—Relative to the Joint Committee on the State's Economy.

[Filed with Secretary of State February 22, 1989]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

(1) Notwithstanding any prior concurrent resolution affecting these committees, the Joint Committee on the State's Economy and the advisory committees authorized to be established pursuant to Resolution Chapter 4 of the Statutes of 1980 are continued in existence through January 31, 1991.

(2) The Joint Committee on the State's Economy shall continue to have the powers and duties granted and imposed by the resolutions creating and continuing it.

(3) The Senate Committee on Rules or the Assembly Committee on Rules may make such money available from the contingent funds under their direction and control as they deem necessary for expenses of the committee and its members. Any expenditure of money shall be made in compliance with policies set forth by the rules committee making the money available and shall be subject to the approval of that rules committee. The committee shall, within 15 calendar days following the adoption of this measure and annually thereafter, present its annual budget to the Joint Rules Committee for its review and comment.

RESOLUTION CHAPTER 5

Senate Concurrent Resolution No. 8—Relative to the Joint Committee on Science and Technology.

[Filed with Secretary of State February 22, 1989]

WHEREAS, California is the nation's preeminent center of scientific research and technology development; and

WHEREAS, The continued growth and vitality of technology-based industries is critical to California's economy; and

WHEREAS, Competition from other nations threatens to erode California's technological advantage; and

WHEREAS, The future of high technology industries in California is directly affected by the quality of education and research in California's schools and universities; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That:

(a) The Joint Committee on Science and Technology is hereby created, and authorized and directed to investigate, study, and

analyze the following:

(1) Ways to preserve and stimulate the growth of high technology industries.

(2) Ways to stimulate the introduction of new technologies into existing industries.

(3) The need to increase the quality of math and science instruction in public schools.

(4) Methods to maintain and enhance the high quality of scientific research in California's public universities.

(5) Problems related to capital formation and expanding investments in new industries.

(6) Government regulations and tax policies which affect the growth and emergence of high technology industries.

(7) The activities of state government agencies which relate to the growth and development of technology-based industries in California.

(b) The committee shall consist of three Members of the Senate appointed by the Committee on Rules thereof, and three Members of the Assembly appointed by the Speaker of the Assembly.

(c) The committee shall have the following additional powers and duties:

(1) All of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the committee and its members.

(2) To contract, subject to the Joint Rules, with such other agencies, public or private, as it deems necessary for the rendition and affording of those services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created.

(3) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(d) The Senate Committee on Rules may make money available from the Contingent Fund of the Senate as it deems necessary for expenses of the Joint Committee on Science and Technology and its members. Any expenditure of money shall be made in compliance with policies set forth by the Senate Committee on Rules and shall be subject to the approval of that committee. The Joint Committee on Science and Technology shall, within 15 days of authorization, and annually thereafter, present its annual budget to the Joint Committee on Rules for its review and comment.

(e) The Joint Committee on Science and Technology shall be terminated on January 31, 1991.

RESOLUTION CHAPTER 6

Senate Concurrent Resolution No. 14—Relative to the Joint Committee on Organized Crime and Gang Violence.

[Filed with Secretary of State February 22, 1989]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Organized Crime and Gang Violence established by Resolution Chapter 73 of the Statutes of 1988 is hereby continued in existence and authorized to act until January 31, 1991; and be it further

Resolved, That the report required to be made by the Joint Committee on Organized Crime and Gang Violence pursuant to Resolution Chapter 73 of the Statutes of 1988 shall be made on or before January 31, 1991; and be it further

Resolved, That notwithstanding the provisions of Resolution Chapter 73 of the Statutes of 1988, the Joint Committee on Organized Crime and Gang Violence shall, effective upon the adoption of this measure, consist of 20 members, including 10 Members of the Senate and 10 Members of the Assembly appointed pursuant to Joint Rule 36.5.

RESOLUTION CHAPTER 7

Senate Concurrent Resolution No. 10—Relative to the Joint Committee on School Facilities.

[Filed with Secretary of State February 28, 1989]

WHEREAS, The Department of Finance, in a survey entitled "An Assessment of the Need for Funding to Provide Facilities for the Unhoused School Population Anticipated Between 1986 and 1991," estimated an increase of 567,000 pupils in grades kindergarten to 12, inclusive, of the public schools from fiscal years 1985–86 to 1990–91, inclusive, with 486,000 of those pupils needing new or rehabilitated school facilities; and

WHEREAS, In that survey, the Department of Finance estimated that, in order to provide adequate school facilities through the 1990–91 fiscal year, it would be necessary to expend \$2.8 billion for new school construction and \$1.9 billion for the rehabilitation of existing schools; and

WHEREAS, The Legislature enacted and the Governor signed a package of school facility bills in 1986 which were designed to establish a state and local partnership in financing school facilities and to increase building standards to provide suitable educational facilities; and

WHEREAS, The continued economic development of the state is

dependent on the provision of adequate school facilities; and

WHEREAS, Continuous legislative oversight of the implementation of school facilities legislation and an ongoing review of school facility needs should be maintained; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the Joint Committee on School Facilities is hereby established and authorized to do all of the following.

(1) Investigate, study, and analyze the statutory provisions relating to the financing, construction, reconstruction, and operation of school facilities.

(2) Conduct oversight hearings and investigations as necessary to evaluate the effectiveness and efficiency of the school facilities system.

(3) Formulate school facility legislation necessary to meet the need for additional school facilities; and be it further

Resolved, That the Joint Committee on School Facilities shall consist of five Members of the Senate, appointed by the Senate Committee on Rules, and five Members of the Assembly, appointed by the Speaker of the Assembly; and be it further

Resolved, That the committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members; and be it further

Resolved, That the Joint Committee on School Facilities may contract, subject to approval of the Senate Committee on Rules, with other agencies, public or private, as necessary to obtain services or studies which will assist the committee in carrying out its responsibilities, and be it further

Resolved, That the Senate Committee on Rules may make money available from the Contingent Fund of the Senate as it deems necessary for the expenses of the committee and its members. Any expenditure of money shall be made in compliance with policies set forth by the Senate Committee on Rules and shall be subject to the approval of the Senate Committee on Rules; and be it further

Resolved, That the committee shall, within 15 days of authorization, and annually thereafter, present its annual budget to the Senate Committee on Rules for its review and comment; and be it further

Resolved, That the committee shall submit an annual report to the Legislature on its activities and recommendations for improvements in the school facilities system; and be it further

Resolved, That the committee is authorized to act until January 31, 1991, at which time the committee's existence shall terminate.

RESOLUTION CHAPTER 8

Senate Concurrent Resolution No. 15—Relative to “Engineers Week.”

[Filed with Secretary of State February 28, 1989]

WHEREAS, There are approximately 100,000 registered professional graduate engineers in California; and

WHEREAS, Professional engineers provide a major portion of the breakthrough technology that impacts the urban infrastructure and quality of life for Californians; and

WHEREAS, Engineers practice in a number of important specialties, including, chemical, metallurgical, civil, industrial, geotechnical, structural, mechanical and electrical; and

WHEREAS, Through these special disciplines, a complete range of engineering services is provided to both the public and private sectors in California; and

WHEREAS, Engineers are on the leading edge of technology relating to sewage treatment, sanitary engineering, public transportation, structural integrity of buildings and bridges, water quality, earthquake technology and public safety, and cleanup of hazardous waste and toxic sites; and

WHEREAS, California’s consulting engineers serve the interests of the state in the areas of investigations and analyses, project planning, facilities design, and construction support and develop special solutions to technical problems that broadly affect the public interest; and

WHEREAS, The week of February 19 through February 25 is being observed by state and national engineering organizations as National Engineers Week, during which a number of observances will take place, including the announcement of statewide winners of the 1988 Engineering Excellence Awards by the Consulting Engineers Association of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature recognizes the services bestowed upon the citizens of California by engineers; and be it further

Resolved, That the Legislature designates the week of February 19 through February 25, as “Engineers Week”; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the author for distribution.

RESOLUTION CHAPTER 9

Senate Concurrent Resolution No. 24—Relative to Youth-At-Risk Week.

[Filed with Secretary of State February 28, 1989.]

WHEREAS, The women of California as members of the National Organization of Black Elected Legislative Women (N.O.B.E.L. Women), in accordance with its motto: "N.O.B.E.L. Women love our youth-at-risk, lifting as we climb," have set the needs of youth-at-risk as a priority, and are dedicated to lifting youth out of conditions which place them at risk; and

WHEREAS, N.O.B.E.L. Women recognizes that black children are more likely to be at-risk than majority youth due to the fact that one in two black children is poor, that more than twice the percentage of black youths are school dropouts as compared to white youth, that black youth suffer a 50 percent unemployment rate, that a decline in access to higher education exists, that blacks suffer nearly twice the rate of infant mortality, that blacks are at greater risk of substance abuse, violence, and death by violence and have a greater incidence of low self-esteem; and

WHEREAS, Teenage pregnancy affects both mother and child and continues the cycle of poverty, one of every 10 births is to a teenage mother, and this rate is double among black teenagers, 80 percent of whom will never finish school and only 10 percent of whom will receive special assistance; and

WHEREAS, N.O.B.E.L. Women has chosen to express its abiding concern and love for America's children in general, and youth-at-risk in particular, in the spirit of Valentine's Day; and

WHEREAS, N.O.B.E.L. Women individually and collectively do hereby commit themselves to provide leadership in addressing these issues with colleagues, civil rights organizations, religious groups, women's organizations, community groups, and others; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature, on behalf of N.O.B.E.L. Women, call upon all organizations, religious, fraternal, and civil rights groups, to join its efforts to develop a plan of action to reduce the risk under which thousands of our children, especially minority youth, live today; and be it further

Resolved, That the Members of the Legislature urge that in California and in the other states in which N.O.B.E.L. Women serve, legislation be introduced and policies developed relative to prevention, intervention, rehabilitation, and resource allocation to encourage and assist our youth in developing greater self-esteem, self-reliance, and higher aspirations; and be it further

Resolved, That the week of February 13 through February 19, 1989, be proclaimed as Youth-At-Risk Week: and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 10

Senate Concurrent Resolution No. 18—Relative to the Joint Select Task Force on the Changing Family.

[Filed with Secretary of State March 1, 1989.]

WHEREAS, The family is the moral core of our society and the ability of the family to fulfill its roles and obligations is critical to the well-being of California's citizenry and economy; and

WHEREAS, Healthy family relations are of central importance to both the ability of adults to make productive contributions to society and to the emotional and intellectual development of children; and

WHEREAS, Major structural transformations are permanently changing the family as we have known it, for example:

(a) In 80 percent of all families, both parents are working; less than 10 percent of all families fit the traditional image of a homemaker wife, wage-earner husband, and two or more children.

(b) Today, nearly half of the labor force is female, and married women with young children comprise the majority of all new labor force participants; by the year 2000, three-fourths of all schoolaged children, and two-thirds of all children under the age of five will have working mothers.

(c) The number of single-parent families has jumped to 16 percent of all families; half of all single-parent households live below the poverty level.

(d) One of every two recent marriages is expected to end in divorce and now over one-half of all children will spend some part of their childhood in a single-parent household; and

WHEREAS, Family economics are dramatically influenced by a labor market converting from a manufacturing to a service and information economy as evidenced by the following facts:

(a) Real family income has declined 8.3 percent since 1973; service sector workers make half the salary of workers in manufacturing.

(b) The Congressional Joint Economic Committee reported in December 1986 that 60 percent of all the jobs created between 1979 and 1984 paid less than \$7,000 a year, while the number of jobs paying more than \$28,000 declined.

(c) The number of people involuntarily working part time with no benefits has increased 60 percent since 1979; 28 percent of part-time workers earn the minimum wage.

(d) A middle-income homeowner spends 44 percent of his or her

income on mortgage costs as compared to 14 percent in 1949; and WHEREAS, Demographic shifts have occurred in California's family composition and these trends must be addressed by the public and private sectors:

(a) Between 1980 and the year 2000, the under 18 population will increase by 1.4 million children, reaching 7.9 million; the magnitude of this increase and the corresponding need to care and educate these children is greater than anything California has faced since the 1946 baby boom.

(b) By the year 2000, the majority of children and young working adults will be Hispanics, Asians, or Blacks, while the majority of those over age 65 will be non-Hispanic whites; immigration has and will continue to make California a rapidly growing multicultural state, challenging our schools and other institutions to address the needs of these new family members.

(c) Californians are living longer; the years of life after retirement are likely to equal or surpass the number of years of childhood and schooling; between 1985 and the year 2000, there will be an 80 percent increase in the number of those age 85 and over placing new challenges on our medical and long-term care systems; and

WHEREAS, Massive socioeconomic changes have taken place in our society, redefining the concept of the family and the composition of the labor force, and a comprehensive family policy would strengthen the foundation of California's families and the competitiveness of its economy; and

WHEREAS, California's institutions—from the workplace to the schools—have not fully recognized nor responded to the fundamental transformations that have occurred allowing for potential family crises rather than planned opportunity by the year 2000; and

WHEREAS, The California Legislature, recognizing the moral, social, and economic benefits of promoting family stability for California citizenry, established the Joint Select Task Force on the Changing Family in Resolution Chapter 134 of the Statutes of 1987 which task force will terminate on February 28, 1989; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the Legislature continues in existence the Joint Select Task Force on the Changing Family, the powers and duties of which shall be:

(a) Reporting to the Legislature and the public on specific family subject areas and specified social, demographic, and economic trends impacting upon family stability in California. These findings shall be contained in a second year report concluding with comprehensive legislative recommendations that will strengthen family life. The second year report shall be submitted to the Legislature by November 30, 1989.

(b) Reporting to the Legislature on model national, state, and local programs that successfully address family instability by

November 30, 1989.

(c) Recommending to the Legislature methods for evaluating the impact of program and policy development on family stability using basic family functions as the baseline criteria. This report shall be submitted to the Legislature by May 31, 1990.

(d) Providing assistance to local cities, counties, and cities and counties seeking to establish family task forces and family policy promoting healthy families. This assistance shall be offered from March 1, 1989, through November 30, 1990.

(e) Providing public education and outreach from March 1, 1989, through November 30, 1990, to California's citizens on their family concerns utilizing diverse forums, hearings, and plenaries as vehicles for community discussion and analysis of family policy.

(f) Utilizing the first and second year family task force reports to provide data and qualitative information to the Legislature from March 1, 1989, through November 30, 1990, regarding the status of California's families as well as the public's interest in specific family issues.

Resolved, That the task force shall consist of a maximum of 26 members, appointed by the Speaker of the Assembly and the Senate Rules Committee; and be it further

Resolved, That the 26 members shall represent both the diversity of California's family demographic profile and the geographic balance of the state, and be it further

Resolved, That the task force shall include at least 16 public appointees and at least six legislators. The remaining four members may be either public members or state legislators. Members of the task force shall have expertise in the areas of family work policy, family economics, or family demographic trends. The public appointees shall include community leaders in economics, employment development, education, religion, business, sociology, social and support services, parenting, and family programs; and be it further

Resolved, That the task force shall meet on at least a bimonthly basis. In the event of a vacancy, the original appointing authority shall appoint a replacement; and be it further

Resolved, That task force shall terminate on November 30, 1990; and be it further

Resolved, That the Senate Committee on Rules and the Assembly Committee on Rules shall allocate funds, in equal amounts, as they deem appropriate, from the contingent funds of the respective houses for the support of the Joint Select Task Force on the Changing Family; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Chairperson of the Senate Committee on Rules and the Speaker of the Assembly.

RESOLUTION CHAPTER 11

Senate Joint Resolution No. 2—Relative to Armenians in Soviet Azerbaijan.

[Filed with Secretary of State March 6, 1989]

WHEREAS, The recent massacres of Armenians in Soviet Azerbaijan have alarmed the Armenian communities of California; and

WHEREAS, The brutal killings and planned massacres by Azerbaijanis in the Cities of Sumgait, Kirovabad, and Baku, and the regions of Nagorno Karabagh and Nakhichevan require the immediate intervention of world public opinion; and

WHEREAS, The mild response of Soviet authorities to the riots earlier in 1988 in Sumgait has emboldened Azerbaijani leaders to sanction the recent attacks against Armenians; and

WHEREAS, The violence against the defenseless Armenian minority of Azerbaijan should be condemned and the organizers of these programs should be brought to justice; and

WHEREAS, Soviet and foreign journalists should be allowed access to Soviet Armenia and Azerbaijan to ensure objective and complete coverage of the situation in those areas; and

WHEREAS, These tragic and brutal attacks demonstrate the necessity for the reunification of historic Armenian territories, arbitrarily placed under Azerbaijani administration, to Soviet Armenia; and

WHEREAS, The safety and security of Armenians in Nagorno Karabagh can only be assured once the region is reintegrated to Soviet Armenia; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to use every diplomatic and political tool to halt the anti-Armenian riots in Soviet Azerbaijan which have killed or injured hundreds of Armenians; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 12

Senate Concurrent Resolution No. 4—Relative to the creation of the Joint Legislative Committee on Tort Liability.

[Filed with Secretary of State March 6, 1989]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

(1) The Joint Legislative Committee on Tort Liability is hereby created, authorized, and directed to ascertain, study, and analyze the facts relating to the need for revision of the law relating to tort liability and related insurance laws, including the rules governing liability for, and the amount of compensation or damages to be paid on account of, injury to, or death of, persons, or damage to, or destruction of, property, the manner and method of determination and payment thereof, court procedures relating thereto, and related matters. These may include liability arising from defective products, whether based on contract or tort, governmental liability, liability arising from malpractice, third-party liability arising from the working conditions of industrial employees, and liability arising from vehicle accidents.

(2) The joint committee shall consist of seven members of the Senate, appointed by the Senate Committee on Rules, and seven members of the Assembly, appointed by the Speaker of the Assembly. The members shall serve at the pleasure of the appointing power and vacancies shall be filled by the appointing power. The chairperson and vice chairperson of the committee shall be appointed by the Joint Rules Committee from a member or members recommended by the Senate Committee on Rules and a member or members recommended by the Speaker of the Assembly.

(3) The committee and all advisory committees appointed pursuant to subdivision (b) of paragraph (5) are authorized to act until January 31, 1991.

(4) The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly, which provisions are incorporated herein and made applicable to this committee and its members.

(5) The committee has the following additional powers and duties:

(a) If a consultant is not otherwise retained by the Joint Rules Committee or either house, to contract with a consultant and to employ those persons as may be necessary to assist the committee, subject to the approval of the Joint Rules Committee and any Committee on Rules that makes money available from its contingent funds, pursuant to paragraph (7), for the payment of the compensation of the particular consultant or employee.

(b) To appoint one or more advisory committees consisting of

persons knowledgeable in the various areas being studied, and to assist the committee and staff. The advisory committees shall report directly to the joint committee.

(c) To make recommendations regarding changes in laws relating to tort liability and insurance.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of those services, facilities, and studies as will best assist the committee in carrying out the purposes for which it is created. The contract is subject to the approval of the Joint Rules Committee and any Committee on Rules that makes money available from its contingent funds, pursuant to paragraph (7), for those purposes.

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct, with the approval of the Joint Rules Committee, the Senate Committee on Rules, and the Assembly Committee on Rules, the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(f) To obtain, with the approval of the Joint Rules Committee, all necessary office space, equipment, and materials.

(g) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objectives and purposes of this resolution.

(6) The consultant to the joint committee shall work with the committee and advisory committees, and shall provide assistance to the author of any bill or constitutional amendment.

(7) The Senate Committee on Rules or the Assembly Committee on Rules may make such money available from the contingent funds under the committee's direction and control as it deems necessary for expenses of the committee and its members. Any expenditure of money shall be made in compliance with policies set forth by the particular rules committee making the money available and shall be subject to the approval of that rules committee. The committee shall, within 15 calendar days following the adoption of this measure, present its budget to the Joint Rules Committee for its review and comment.

(8) The joint committee shall designate a chairperson for each advisory committee. In making this designation, the joint committee shall give consideration to the persons recommended by the advisory committee.

RESOLUTION CHAPTER 13

Senate Concurrent Resolution No. 21—Relative to proclaiming Black History Month.

[Filed with Secretary of State March 6, 1989]

WHEREAS, Black people have made significant contributions to the economic, social, and political history of the nation and the State of California; and

WHEREAS, Carter Goodwin Woodson, a Black historian, recognized these accomplishments and, on February 7, 1926, he organized one of the cultural landmarks of contemporary America, "Negro History Week"; and

WHEREAS, In the 1960's, during the height of the Civil Rights movement, "Negro History Week" was expanded to "Black History Month"; and

WHEREAS, Innumerable Blacks have contributed to the history of California, including the first Black elected to the California Legislature, former Assemblyman Frederick Roberts, who served his constituents from 1918 to 1934; and

WHEREAS, California realized a dream and was among the first states to commemorate the birthday of one of America's greatest leaders, Martin Luther King, Jr.; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the month of February 1989 be proclaimed as Black History Month; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 14

Assembly Concurrent Resolution No. 12—Relative to Women's History Month.

[Filed with Secretary of State March 14, 1989]

WHEREAS, American women of every class and ethnic background have participated in the founding and building of our nation and have played a critical role in shaping the economic, cultural and social fabric of our society, not in the least of ways through their participation in the labor force, working both inside and outside of the home; and

WHEREAS, Women have been leaders in every movement for progressive social change, including their own suffragette movement, the fight for emancipation, the struggle to organize labor unions, and the civil rights movement; and

WHEREAS, Despite these contributions, the role of American women in history has been consistently overlooked and undervalued; and

WHEREAS, The celebration of Women's History Month will provide an opportunity for schools and communities to focus attention on the heritage of women's contributions to the United States and the State of California, and for students, in particular, to benefit from an awareness of these contributions; and

WHEREAS, Women's History Month will include International Women's Day, March 8, originally proclaimed in 1910 to recognize and commemorate the valuable contributions women have made to the labor movement in improving working conditions and thus bettering peoples' lives; and

WHEREAS, The observance of Women's History Week was begun by the Sonoma County Commission on the Status of Women in 1978, and has since been commemorated throughout the nation by schools, historians, and community groups; and

WHEREAS, Women's History Month will be not only a call to acknowledge the outstanding American women whose names we know, but also a call to pay homage to the many women who have anonymously shaped our collective past; and

WHEREAS, The strides made by our foremothers have enabled contemporary women and men to make tomorrow's history by advocating an end to physical and sexual assault, discrimination in the work force, and the feminization of poverty, and by advocating the full participation of women in the political arena, the provision of adequate child care, and equal access to all of the opportunities this nation has to offer; and

WHEREAS, Women's History Month will recognize the success of women and highlight their accomplishments, considering the changing roles and conditions of women in California, and will counter barriers to full and equal participation in California life for women; and

WHEREAS, Because of the significance and scope of women's roles in making history and shaping American culture and society, it is important that the State of California recognize the many contributions of women; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California takes pleasure in joining with the Sonoma County Commission on the Status of Women and the California Commission on the Status of Women in honoring the contributions of women, and designate the month of March 1989 as Women's History Month; and be it further

Resolved, That the Legislature urges all Californians to join in the celebration of International Women's Day on March 8, 1989, and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Chair of the Sonoma County Commission on the Status of Women and to the Chair of the California Commission on

the Status of Women for distribution to appropriate organizations.

RESOLUTION CHAPTER 15

Assembly Concurrent Resolution No. 14—Relative to California Eating Disorders Awareness Week.

[Filed with Secretary of State March 14, 1989]

WHEREAS, Anorexia nervosa (starvation sickness), bulimia (binge-purge syndrome), and exogenous obesity (overeating) are serious emotional disorders which endanger the physical well-being of individuals; and

WHEREAS, These illnesses have reached epidemic proportions and have increased the need to have an awareness of the health dangers of starvation, vomiting, laxative and diuretic abuse, and excessive compulsive exercise; and

WHEREAS, It is estimated that one out of every 200 teenagers between the ages of 12 and 18 suffers from anorexia nervosa; and

WHEREAS, Studies indicate that the mortality rate for anorexia nervosa is between 5 and 18 percent; and

WHEREAS, It is estimated that seven million women and over one million men suffer from these disorders throughout the United States; and

WHEREAS, Contrary to public myth, these terrible illnesses strike young and old, rich and poor, all races and creeds, and cross all cultural, social, ethnic, and economic paths; and

WHEREAS, Approximately 25 percent of persons with eating disorders qualify for Medi-Cal, which is further evidence that eating disorders are not restricted to middle and upper classes; and

WHEREAS, Factors that can lead to eating disorders are low self-esteem, inability to cope with stress, and cultural obsession with slenderness; and

WHEREAS, Studies show that anorexics, bulimics, and persons suffering from exogenous obesity can be treated successfully with medication, hospitalization, psychotherapy, family therapy, support groups, or a combination thereof; and

WHEREAS, The most effective treatment for the prevention of these disorders is through education and awareness; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature declares the week of March 12 to 18, 1989, as California Eating Disorders Awareness Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor.

RESOLUTION CHAPTER 16

Assembly Joint Resolution No. 17—Relative to motor vehicle fuel taxes.

[Filed with Secretary of State March 14, 1989]

WHEREAS, The United States Congress is seeking an effective means of reducing the federal budget deficit in the immediate future; and

WHEREAS, Several proposals being considered for deficit reduction purposes would increase the existing federal motor vehicle fuel tax by substantial increments; and

WHEREAS, The Department of Energy has stated that a motor vehicle fuel tax increase for deficit reduction purposes will create economic losses which are of far greater magnitude than the possible deficit reduction benefits; and

WHEREAS, Under these proposals, the states would receive no direct revenue benefits while incurring substantial increases in their public assistance costs; and

WHEREAS, Residents of the south, midwest, and west pay more per capita motor vehicle fuel taxes because they must travel greater distances by personal vehicles than residents of other regions, and therefore would bear a disproportionate burden under these proposals for deficit reduction; and

WHEREAS, There continues to exist a great need to rehabilitate and reconstruct the nation's highway transportation infrastructure, so that motor vehicle fuel taxes should continue to be dedicated to highway transportation purposes; and

WHEREAS, The tourism industry, one of the top three employers in 80 percent of the states, would be adversely affected under any of these deficit reduction proposals; and

WHEREAS, The gross national product, the Consumer Price Index, and employment all would be severely and negatively affected as a result of the adoption of any of these proposals; and

WHEREAS, Increasing the motor vehicle fuel tax for federal budget deficit reduction purposes would not only undermine the Highway Trust Fund, but would also fail to get to the root of the deficit problem; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress of the United States to oppose proposals which would divert Highway Trust Fund revenues resulting from federal motor vehicle fuel tax increases for purposes of reduction of the federal budget deficit; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the

United States, and to the Secretary of Transportation.

RESOLUTION CHAPTER 17

Assembly Concurrent Resolution No. 11—Relative to Earthquake Preparedness Month.

[Filed with Secretary of State March 22, 1989]

WHEREAS, Most seismologists predict that there will be a major earthquake somewhere in California in the coming decades; and

WHEREAS, A primary means for minimizing the risks of injury and loss of life and damage to property is to make the public aware of all possible earthquake safety measures and precautions; and

WHEREAS, A cooperative effort between the Legislature and the state and local governments will be most effective in developing that public awareness; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the month of April 1989 as California Earthquake Preparedness Month and urges all Californians to engage in appropriate earthquake safety-related activities during that month; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the Seismic Safety Commission, the Office of Emergency Services, the Board of Supervisors of the County of Los Angeles, and the City Council of the City of Los Angeles

RESOLUTION CHAPTER 18

Assembly Concurrent Resolution No. 13—Relative to commending Kareem Abdul-Jabbar.

[Filed with Secretary of State March 22, 1989]

WHEREAS, 1989 marks the retirement of Kareem Abdul-Jabbar, the man who, according to many experts, is the greatest basketball player who ever lived, and it is therefore appropriate to honor and commend him at this time; and

WHEREAS, Kareem was a nationally famous athlete when he was still a student at Power Memorial High School in New York City, and he became a major figure on the California sports scene when he chose to enroll at UCLA in 1965; and

WHEREAS, In Kareem's college days, freshmen were not eligible to play in varsity intercollegiate sports—but the basketball world took notice when he led the UCLA freshman team to a decisive

victory over the UCLA varsity (which happened to be the two-time defending NCAA champions) in an intrasquad game; and

WHEREAS, Kareem had the most successful basketball career in the history of NCAA competition, leading UCLA to NCAA titles in each of his three seasons as a member of the Bruin varsity; no other player in the history of college basketball—not George Mikan, nor Bill Russell, nor Oscar Robertson, nor Bill Walton—can match Kareem's accomplishment of leading his team to three straight NCAA crowns; and

WHEREAS, In 1969, the Milwaukee Bucks won a coin toss for the right to make the first pick in that year's NBA draft; with their choice of Kareem, the Bucks immediately transformed themselves from a struggling expansion franchise to a championship contender; and

WHEREAS, Kareem led the Bucks to the 1971 NBA championship in his second year as a professional player; after six successful seasons in Milwaukee, he was traded to the Los Angeles Lakers in one of the most momentous deals in NBA history; and

WHEREAS, The Lakers' acquisition of Kareem's services was the first—and most important—step in the process which has brought five NBA championships to the Lakers during the Eighties; Kareem, who is now retiring as the revered Captain of the Lakers, has helped to lead the team to the most successful era in its history; and

WHEREAS, Kareem has thus played on six NBA championship teams, and he has garnered some extremely impressive individual honors: among many other laurels, Kareem owns six NBA Most Valuable Player awards and the NBA career records for points scored (exceeding Wilt Chamberlain's awesome total) and games played (breaking Elvin Hayes' record); and

WHEREAS, Kareem's amazing twenty-year reign in the NBA is a tribute to his superb conditioning and his remarkable appetite for competition; and

WHEREAS, In an era of sports scandals, Kareem has stood out as a man of soft-spoken dignity and unquestioned integrity—it can truly be said that he possesses a nobility of character which befits a man of his unparalleled accomplishments; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby acknowledges and applauds the numerous achievements of Kareem Abdul-Jabbar, congratulates him on the occasion of his retirement from his record-breaking career as a professional basketball player, and conveys the best wishes of the people of California for success in all of his future endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Kareem Abdul-Jabbar.

RESOLUTION CHAPTER 19

Assembly Concurrent Resolution No. 36—Relative to California School Lunch Week.

[Filed with Secretary of State March 22, 1989.]

WHEREAS, March 13 to 19, 1989, has been set aside as California School Lunch Week and its theme is “Kids and Food—California Grown”; and

WHEREAS, Under the National School Lunch Program and other child food and nutrition programs, more than two million nutritious meals are served daily to the children of California; and

WHEREAS, California is the nation’s leading agricultural state, and it leads the nation in the production of 53 crop and livestock commodities; and

WHEREAS, California’s agricultural products have been recognized worldwide for their quality, variety, and abundance; and

WHEREAS, The National School Lunch Program encourages the consumption of these nutritious agricultural commodities by providing affordable meals to our school children; and

WHEREAS, Good nutrition is vital to the health and welfare of our children, and studies have shown that well-nourished children are more attentive and receptive to learning; and

WHEREAS, The California School Food Service Association provides invaluable service to our state’s school children, in ensuring healthy and well-balanced meals; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the week of March 13 to 19, 1989, as California School Lunch Week, and commends the school lunch program as a valuable tool in the educational process, and acknowledges the contributions the agricultural products from California have made to the success of this program.

RESOLUTION CHAPTER 20

Senate Concurrent Resolution No. 7—Relative to the creation of the Joint Committee on Energy Regulation and the Environment.

[Filed with Secretary of State March 22, 1989]

WHEREAS, The Legislature finds and declares that the state’s energy development and conservation sectors are critical to the health and welfare of California’s economy and environment; and

WHEREAS, Since its inception in 1975, the State Energy Resources Conservation and Development Commission (Energy Commission) has been given extensive responsibilities by the

Legislature with regard to powerplant siting, energy supply and demand forecasting, energy conservation, and alternative energy technology development; and

WHEREAS, The Energy Commission shares responsibility for energy related functions with over 20 other state governmental agencies, departments, offices, boards, and commissions, including, but not limited to, the Public Utilities Commission, the Environmental Affairs Agency, the Department of General Services, the Energy Extension Service, the Department of Conservation, the State Lands Commission, the California Waste Management Board, the California Alternative Energy Source Financing Authority, the Department of Water Resources, the State Water Resources Control Board, and the State Air Resources Board, which has resulted in significant fragmentation, duplication, overlap, and confusion in the formulation and execution of state energy related functions; and

WHEREAS, Emerging energy-related issues facing the state in the 21st century, not fully contemplated at the time the Energy Commission was established, need to be examined more fully, particularly in the areas of air quality, transportation, and other environmental management issues; and

WHEREAS, In its most recent biennial report to the Governor and the Legislature on California's Energy Outlook, the Energy Commission recommended that California's current energy related functions be examined and evaluated with a view towards possible reform; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

(1) The Joint Committee on Energy Regulation and the Environment is hereby created, authorized, and directed to study the appropriate role of the State Energy Resources Conservation and Development Commission, and other state authorized agencies, departments, offices, boards, and commissions with energy related functions, to promote the efficient operation of energy development and conservation programs while furthering environmental protection and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

(2) The joint committee shall consist of the Chairperson of the Senate Committee on Energy and Public Utilities and the Chairpersons of the Assembly Committee on Natural Resources and the Assembly Committee on Utilities and Commerce, along with two other Members of the Senate appointed by the Senate Committee on Rules, and one other Member of the Assembly appointed by the Speaker of the Assembly. The chairperson of the joint committee shall be appointed by the Senate Committee on Rules. The vice chairperson of the joint committee shall be appointed by the Speaker of the Assembly.

(3) The joint committee shall employ a project director who shall generally be responsible for the activities of the committee. The joint committee shall also be assisted, to the extent possible, by the staff

of the Senate Committee on Energy and Public Utilities.

(4) The chairperson of the joint committee shall appoint a technical advisory panel, consisting of agencies or individuals, public or private, with expertise in government organizational management and energy and environmental policy, for the purpose of assisting the committee in developing recommendations on alternatives for reorganizing energy regulatory activities within state government to promote the efficient operation of energy development and conservation programs while furthering environmental protection. The technical advisory panel shall be under the supervision of the chairperson of the joint committee, and the joint committee's project director.

(5) The joint committee shall have the following additional powers and duties:

(a) All of the rights, duties, and powers conferred upon investigative committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to the committee and its members.

(b) To contract, subject to the Joint Rules, with any agencies or individuals, public or private, that it determines to be necessary for the provision of expert services, studies, and reports to the committee that will best assist it to carry out the purposes for which it is created.

(c) To do any and all other things necessary or convenient to enable it to fully and adequately exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(6) The joint committee shall submit its final report to appropriate standing committees of the Senate and the Assembly, containing its findings and recommendations dealing with the subject matter of this resolution, on or before March 15, 1990. It is authorized to act during the 1989-90 Regular Session of the Legislature, including any recess, and until January 31, 1991.

(7) The Senate Committee on Rules may make money available from the Senate Contingent Fund for expenses of the committee and its members and staff. Any expenditure of money shall be made in compliance with policies set forth by the Senate Committee on Rules and shall be subject to the approval of the rules committee. The joint committee shall, within 15 calendar days following the adoption of this measure, present its budget to the Joint Rules Committee for its review and comment.

RESOLUTION CHAPTER 21

Assembly Concurrent Resolution No. 51—Relative to California Agriculture Day.

[Filed with Secretary of State April 3, 1989]

WHEREAS, Agriculture is the cornerstone of California's economic strength, providing for, directly or indirectly, hundreds of thousands of jobs, and the stability of California's continued prosperity; and

WHEREAS, The gross receipts from California Agriculture reached a record high of \$16.1 billion in 1988, increasing 4 percent over 1987; and

WHEREAS, California continues to be the leading farm-producing state in the nation; and

WHEREAS, Nearly 30 percent of California crops are currently sold in foreign markets from the Pacific Rim to the European Economic Community; and

WHEREAS, The public should be made aware of the important contribution that California agriculture makes to our everyday lives; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the Legislature declares Monday, March 20, 1989, as "California Agriculture Day"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor and the Director of Food and Agriculture.

RESOLUTION CHAPTER 22

Senate Concurrent Resolution No. 28—Relating to gang violence.

[Filed with Secretary of State April 4, 1989]

WHEREAS, Gang violence in California has increased significantly in recent years; and

WHEREAS, 1988 gang killings in Los Angeles County alone left a record 452 people dead, surpassing the previous record of 387 gang-related killings in 1987; and

WHEREAS, Based on the reports of various police and medical authorities, gang activity in Los Angeles is responsible for at least 1,500 people a year suffering moderate to crippling injuries; and

WHEREAS, The number of gang members in Los Angeles County is estimated to have increased from 30,000 members in 1980 to about 70,000 members in 1988; and

WHEREAS, Los Angeles gangs and the violence which accompanies them have spread to other parts of California such as

Sacramento, where gang-related violence went from 84 incidents in 1982 to 622 incidents in 1987; and

WHEREAS, More than half the victims of Los Angeles gang-related shootings were innocent and not involved in gang activity; and

WHEREAS, Violence, injury, and death that strikes innocent bystanders is particularly abhorrent; and

WHEREAS, Pausing to remember the victims of gang violence, their suffering, and that of their families, could strengthen our resolve to prevent the gang activity which ultimately leads to violence; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby recognizes Friday through Sunday, April 14th to 16th, inclusive, 1989, as Statewide Days of Prayer for the victims of gang violence and calls upon the people of California, each according to his or her own faith, to gather together on those days to pray for the victims of gang violence and for an end to the activity that produces such tragic consequences.

RESOLUTION CHAPTER 23

Assembly Concurrent Resolution No. 6—Relative to the Joint Oversight Committee on GAIN Implementation.

[Filed with Secretary of State April 5, 1989]

WHEREAS, The Legislature enacted major welfare reform legislation that established a statewide program, Greater Avenues for Independence (GAIN), to help persons receiving assistance pursuant to the Aid to Families with Dependent Children program become economically independent and self-sufficient; and

WHEREAS, GAIN is a statewide effort requiring the active participation and cooperation of state, local, and private agencies, including the State Department of Social Services, the State Department of Education, the Employment Development Department, the State Job Training Coordinating Council, the Chancellor's Office of the Community Colleges, county welfare departments, private industry councils, Job Training Partnership Act service delivery areas, school districts, community colleges, and public and private child care providers; and

WHEREAS, The success of the GAIN program depends on the ability of these organizations to foster and encourage the active participation of the persons they represent, including:

(a) AFDC benefits recipients, so that they may benefit from the wide array of educational and training opportunities available to them.

(b) County welfare line staff, so that they will help GAIN

participants become economically self-sufficient.

(c) Private industry employers, so that they will provide on-the-job training and unsubsidized jobs to GAIN participants.

(d) Public and private job training providers, so that they will develop training programs that are linked to unsubsidized jobs.

(e) Educational institutions, so that they will provide GAIN participants with the educational achievement necessary to compete effectively in the labor market; and

WHEREAS, Participation in the GAIN program depends on the availability of safe and adequate child care to be provided by programs cooperatively developed by the State Department of Education, the State Department of Social Services, county welfare departments, local child care resource and referral networks, and public and private child care providers; and

WHEREAS, Federal welfare reform legislation has been recently enacted and requires the cooperative efforts and valuable input of all of the above recipients, employers, public employees, and service and training providers so that California can comply with federal law and receive additional federal financial participation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Oversight Committee on GAIN Implementation is hereby established and authorized to do all of the following:

(a) Conduct hearings and develop recommendations to address concerns in the implementation of the GAIN program.

(b) Develop policy recommendations on GAIN-related issues for consideration by the Legislature.

(c) Conduct hearings and develop recommendations about how California's GAIN program can be enhanced by the federal Family Support Act of 1988

(d) Develop recommendations on better coordination of public and private resources to more effectively help persons receiving AFDC benefits become economically independent and self-sufficient.

(e) Develop recommendations on the level of funding required to effectively implement methods of achieving the goals which the GAIN program is designed to meet; and be it further

Resolved, That the committee shall consist of six Members of the Assembly, appointed by the Speaker thereof, and six Members of the Senate, appointed by the Senate Committee on Rules; and be it further

Resolved, That the committee and its members shall have and exercise all rights, duties, and powers conferred upon joint committees and their members by the provisions of the Joint Rules of the Assembly and Senate, as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members; and be it further

Resolved, That the committee has the powers and duties to do any

and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution; and be it further

Resolved, That the Assembly Committee on Rules may make any money available from the Contingent Fund of the Assembly it deems necessary for the expenses of the committee and its members. Any such expenditure of funds shall be made in compliance with policies set forth by the Assembly Committee on Rules and shall be subject to the approval of the Assembly Committee on Rules; and be it further

Resolved, That the committee shall, within 15 days of authorization, and annually thereafter, present its annual budget to the Joint Committee on Rules for its review and comment; and be it further

Resolved, That the committee is authorized to act during this session of the Legislature, including any recess, until the end of the 1989–90 Regular Session.

RESOLUTION CHAPTER 24

Assembly Concurrent Resolution No. 61—Relative to “California Volunteer Services Week.”

[Filed with Secretary of State April 5, 1989]

WHEREAS, Since the inception of this country, international visitors have commented on the extraordinary impulse of Americans to form voluntary groups and devise nongovernmental institutions to serve community purposes; and

WHEREAS Volunteers throughout the nation, and particularly in California, provide their communities with services that cannot be provided by the public or private sector alone; and

WHEREAS, These volunteers give aid to the homeless, care for the elderly, provide services for the physically and mentally handicapped, and assist with treatment to victims of drug and alcohol abuse; and

WHEREAS, The nonprofit community services sector of our economy provides the state with valuable services that help address those complex problems, and the organizations and groups that provide services rely upon the volunteer resources of individuals to help solve those problems where they exist in the community; and

WHEREAS, Based on the results of a March 1988 Gallup Organization survey, it is estimated that 80 million adults gave a total of 19.5 billion hours in both formal and informal volunteer services in 1987; and

WHEREAS, Americans who gave formal volunteer services contributed 14.9 billion hours which represented the equivalent of

8.8 million full-time employees and had an estimated value of \$150 million; and

WHEREAS, The Members of the California State Legislature want to encourage the full and continued participation in volunteer services for all Californians; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the California Legislature recognizes the week of April 9 to 15, inclusive, of 1989 as "California Volunteer Services Week."

RESOLUTION CHAPTER 25

Senate Joint Resolution No. 6—Relative to coastal resources.

[Filed with Secretary of State April 11, 1989]

WHEREAS, The United States Department of the Interior proposes to lease 1.7 million acres of tracts in coastal waters off the six central California Counties of Sonoma, Marin, San Francisco, San Mateo, Santa Cruz, and Monterey; and

WHEREAS, The department has asked for public comments in the Call for Information and Nominations published on November 16, 1988, in the Federal Register relative to its proposed Outer Continental Shelf Lease Sale 119 in the Central California Planning Area; and

WHEREAS, The central California coast is one of the most pristine and magnificent coastlines in the world, providing a habitat for abundant and diverse species of marine mammals, fish, and birds, including several endangered species; and

WHEREAS, The central coast contains three designated national marine sanctuaries, many areas of special biological significance, and numerous marine research facilities; and

WHEREAS, The central coast environment supports a crucial economic resource important to all Californians, including a renewable commercial and sport fishing industry, and an annual multimillion dollar tourist and recreation industry; and

WHEREAS, Proposed oil and gas exploration and development activities threaten fishing activities due to seismic survey exploration, displacement of fishing grounds, competition for limited harbor facilities, and disposal of toxic wastes into prime fishing grounds; and

WHEREAS, Oil platforms, offshore storage and treatment facilities, marine terminals, and onshore processing facilities would profoundly diminish the rural, scenic quality of the coastline and could lead to a serious decline in tourism and recreation activities; and

WHEREAS, Prevailing winds would blow offshore drilling

emissions onshore, thereby interfering with the ability of coastal communities to achieve and maintain state and federal air quality attainment standards; and

WHEREAS, Many key sites of interest for oil and gas development are adjacent to critical marine wildlife habitats, including the Gulf of the Farallones, Cordell Bank, and the Ano Nuevo State Reserve; and

WHEREAS, The Department of the Interior estimates a high probability that a large oil spill will occur and acknowledges that only 5 to 15 percent of any oil spill can be cleaned up; and

WHEREAS, The total amount of oil available within Lease Sale 119 is estimated to contain only five to seven weeks of our nation's oil consumption needs, while current federal energy policies fail to adequately address alternative energy and energy efficiency programs such as improved automobile fuel efficiency standards; and

WHEREAS, Oil and gas exploration and drilling off the central California coast is a high-risk, short-term solution which ignores long-term environmental issues such as global warming and jeopardizes unique and valuable coastal resources; and

WHEREAS, Significant unresolved problems resulting from the proposed sale and conflicts with California coastal zone management policies and approved local coastal management plans are anticipated; and

WHEREAS, Leasing, exploration, development, and transportation activities resulting from Lease Sale 119 conflict with the mandate of the Outer Continental Shelf Lands Act as amended, the Clean Air Act, and the Endangered Species Act of 1973; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That all tracts proposed for inclusion within Lease Sale 119 be defined as environmentally sensitive tracts and deleted from further consideration for leasing; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Regional Supervisor, Office of Leasing and Environment, Minerals Management Service, Pacific OCS Region, 1340 West Sixth Street, Los Angeles, CA 90017; the Chief, Offshore Leasing Management Division, Minerals Management Service, United States Department of the Interior, 18th and C Streets, N.W., Washington, DC 20240, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 26

Assembly Concurrent Resolution No. 56—Relative to Venereal Disease (VD) Awareness Month.

[Filed with Secretary of State April 17, 1989]

WHEREAS, The spread of sexually transmitted diseases in California continues to be a serious health concern; and

WHEREAS, Prevention is a proven method to reduce the incidence of sexually transmitted diseases; and

WHEREAS, Ignorance continues to aid the spread of sexually transmitted diseases; and

WHEREAS, Each year in California sexually transmitted diseases occur in epidemic proportions, with thousands of reported and unreported infections; and

WHEREAS, Public education programs provide accurate information about the dangers of sexually transmitted diseases, and how to safely avoid contracting the diseases; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the month of April 1989 as "Venereal Disease (VD) Awareness Month."

RESOLUTION CHAPTER 27

Assembly Concurrent Resolution No 57—Relative to fair housing.

[Filed with Secretary of State April 17, 1989]

WHEREAS, April 1989 marks the 26th anniversary of California's fair housing law; and

WHEREAS, 1989 is the 21st anniversary of the federal civil rights law that provides equal housing opportunity; and

WHEREAS, California's fair housing law was enacted to ensure that a fair choice of housing is available to individuals at the same income level and in the same market area, regardless of race, color, religion, sex, marital status, national origin, or ancestry; and

WHEREAS, Many complaints of housing discrimination continue to be filed with the State Department of Fair Employment and Housing, indicating that discrimination remains a problem; and

WHEREAS, During the month of April, interested parties from both the private and public sectors will participate in a national effort to promote fair housing; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the month of April 1989 is designated as Fair Housing Month and all California residents are urged to reflect upon the importance of fair housing to our way of life.

RESOLUTION CHAPTER 28

Senate Joint Resolution No. 12—Relative to reparations for Japanese-Americans.

[Filed with Secretary of State April 18, 1989]

WHEREAS, The internment of Japanese-Americans during the Second World War was an abandonment of the American ideal, arising from bigotry, deception, ignorance, and hysteria; and

WHEREAS, Japanese-American internees were denied the most basic of constitutional rights and endured great economic and emotional hardship; and

WHEREAS, The United States Government, with the passage of H.R. 442, sponsored by Congressman Robert Matsui, has finally recognized the gross injustice of the internment and provided for an official apology and the payment of long overdue reparations to internment camp survivors; and

WHEREAS, The Congress of the United States may authorize and has recommended the amount of \$500,000,000 in the upcoming fiscal year for the payment of reparations to internment camp survivors; and

WHEREAS, Former President Reagan's final budget proposed only \$20,000,000 in the upcoming fiscal year for the payment of reparations; and

WHEREAS, The United States is legally required to complete the payment of reparations within 10 years; and

WHEREAS, At the rate of \$20,000,000 per year the United States Government would complete the payment of reparations in 60 years; and

WHEREAS, Many internment camp survivors are very elderly and may pass on prior to receiving reparations unless payment is promptly made; and

WHEREAS, The atonement of the United States Government for its thoroughly unjust imprisonment of its own people during the Second World War will not be complete until recompense has been made to internment camp survivors; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes the President and Congress of the United States to authorize for the upcoming fiscal year, and every fiscal year following as long as is necessary, the sum of \$500,000,000 for the prompt payment of reparations to survivors of the Japanese-American internment; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 29

Assembly Concurrent Resolution No. 17—Relative to California Holocaust Memorial Week.

[Filed with Secretary of State April 24, 1989]

WHEREAS, More than 40 years have passed since the tragic events which we now call the Holocaust transpired in which the dictatorship of Nazi Germany murdered six million Jews as part of a systematic program of genocide; and

WHEREAS, The Holocaust was a tragedy of proportions the world had never before witnessed; and

WHEREAS, We must be reminded of the reality of the Holocaust's horrors so they will never be repeated; and

WHEREAS, The United States Holocaust Memorial Council has designated the week of April 30 through May 7, 1989, as Holocaust Memorial Week-Days of Remembrance for Victims of the Holocaust; and

WHEREAS, May 2, 1989, is Yom HaSho'ah, and it has been designated internationally as a day of remembrance for victims of the Holocaust; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 30 through May 7, 1989, is proclaimed as California Holocaust Memorial Week, and that Californians are urged to observe these Days of Remembrance for Victims of the Holocaust in an appropriate manner; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 30

Assembly Concurrent Resolution No. 25—Relative to victims of pornography.

[Filed with Secretary of State April 24, 1989.]

WHEREAS, The pervasion of pornography in California has insidiously increased in recent years, thereby alerting Californians to the menace of pornography and the need, with the help of law enforcement, to combat it in every form; and

WHEREAS, Too often we find that innocent children are the targets of abuse and exploitation by the pornography industry, which seeks to find vulnerable victims to prey upon; and

WHEREAS, The children of our society, as our most precious asset, deserve nurturing and every possible protection; and

WHEREAS, Studies indicate a high correlation between addiction to pornography and child molestation and other crimes; and

WHEREAS, The suffering child victims of pornography need to know that they should not bear their pain in silence and embarrassment, but that there are people who care and who will support their search for help and healing; and

WHEREAS, Elected officials, law enforcement, social service agencies, civic, parent, youth, and religious organizations are united in their concern for victims of pornography; and

WHEREAS, Bay Area Citizens Against Pornography is an organization committed to uniting elected officials and a diverse representation of individuals, organizations, and civic leaders in their fight against pornography; and

WHEREAS, This coalition effort is designed to bring about change through education, legislation, and enforcement of laws and ordinances, and public awareness in the area of pornography; and

WHEREAS, The United States Attorneys in San Francisco, Sacramento, and Los Angeles support this effort; and

WHEREAS, Bay Area Citizens Against Pornography and a coalition of organizations throughout the state have chosen the week of May 7 through May 13, 1989, to create an awareness in California of the dangers of pornography; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature do hereby resolve to work together in this effort to protect innocent children from becoming victims of pornography; and be it further

Resolved, That the Governor is requested to proclaim the week of May 7 through May 13, 1989, as Victims of Pornography Week and to issue a proclamation calling upon all concerned public officials and private citizens to observe the week by wearing black lapel ribbons denoting support and compassion for victims of pornography; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Bay Area Citizens Against Pornography, and to the United States Attorneys, and all district attorneys, boards of supervisors, city councils, chiefs of police, and sheriffs within the State of California.

RESOLUTION CHAPTER 31

Assembly Concurrent Resolution No. 4—Relative to California Small Business Week.

[Filed with Secretary of State May 1, 1989.]

WHEREAS, The President of the United States of America, by proclamation, will designate the week of May 7 through May 13, 1989, as Small Business Week in special tribute to the outstanding contributions of the small businesswomen and businessmen of this

nation; and

WHEREAS, Two million of the nation's 14 million small businesses are located in California, employing 10 million people; and

WHEREAS, These small businesses provide the industrial innovation which gives California its competitive edge; and

WHEREAS, The entrepreneurship and productivity of small businesswomen and businessmen constitute the core of the American free enterprise system; and

WHEREAS, Small businesses provide the vast majority of the job opportunities for women, youth, minorities, and displaced workers; and

WHEREAS, The economic health of California depends, in large measure, on the prospects of the state's small businesses; and

WHEREAS, California's small business community has a tremendous potential to promote our state's economic and cultural role in the emerging Pacific Rim trade relationships; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is hereby requested, in conjunction with the national designation thereof, to proclaim the week of May 7 through May 13, 1989, as California Small Business Week, in special recognition of the contributions which small businesswomen and businessmen have made, and will continue to make, to our state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 32

Assembly Concurrent Resolution No. 7—Relative to Rotary Week.

[Filed with Secretary of State May 1, 1989]

WHEREAS, The Rotary organization has existed since 1905 providing humanitarian service, encouragement, and high ethical standards in all vocations and helped build goodwill and peace in the world; and

WHEREAS, The members of the Rotary organization may be found in more than 160 countries and geographical regions with nearly 1,500,000 members and 24,000 clubs worldwide; and

WHEREAS, Members of the Rotary organization are adult men and women of good character and good reputation who are proprietors, partners, corporate officers, or managers of business or professions or hold other important position in an executive capacity; and

WHEREAS, The recognition of the Rotary organization will symbolize this state's commitment to the ideals and philosophy

illustrated by the Rotary Club's high ethical standards in businesses and professions, their recognition of the worthiness and dignity of all occupations through service to society, and their commitment to the advancement of international understanding, goodwill, and peace through a world fellowship of business and professional men and women united in the ideal of service; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature hereby proclaims the week of May 8, 1989, as "Rotary Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 33

Assembly Concurrent Resolution No. 9—Relative to the creation of the Joint Committee on Public Pension Fund Investments.

[Filed with Secretary of State May 1, 1989]

Resolved by the Assembly of the State of California, the Senate thereof concurring, as follows:

(1) The Joint Committee on Public Pension Fund Investments is hereby created, authorized and directed to ascertain, study and analyze all facts relating to the following:

(a) Increasing the yield on portfolio investments of all California public pension funds.

(b) Improving the financial responsibilities of corporations to their public pension fund shareholders, including improved financial information, better communication, and responsive practices concerning shareholder voting rights.

(c) Evaluating portfolio potential, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution.

(2) The committee shall consist of five Members of the Senate, appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof. The chairperson of the committee shall be appointed pursuant to Joint Rule 36.7. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

(3) The committee is authorized to act during the 1989-90 Regular Session of the Legislature, including any recess, until the end of the 1989-90 Regular Session, on which date the committee shall terminate.

(4) The committee and its members shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the provisions of the Joint Rules

of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

(5) The committee has the following additional powers and duties:

(a) To contract with a consultant, if a consultant is not otherwise retained by the Legislature or either house thereof, and to hire necessary staff, as approved by the Chairperson or Chief Administrative Officer of the Joint Rules Committee.

(b) To appoint an advisory committee consisting of persons knowledgeable in the subject of investment of pension funds, and to assist the committee and staff.

(c) To make recommendations regarding ways to improve the rate of return on California public pension funds.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies, and reports to the committee as will best assist it to carry out the purposes for which it is created, as approved by the Chairperson or Chief Administrative Officer of the Joint Rules Committee.

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders, and other process issued by the committee.

(f) To obtain, with the approval of the Chairperson or Chief Administrative Officer of the Joint Rules Committee, all necessary office space, equipment, and materials.

(g) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(6) The committee, through its staff and its consultant, in achieving the objective specified in subdivision (a) of paragraph (1), shall do the following:

(a) Analyze all California public pension funds to determine how well they maximize income and minimize costs.

(b) Determine, for each California public pension fund, and assuming an acceptable risk and taking into account the portfolio size, a real investment return potential.

(c) Determine the extent to which each fund falls short of the real investment return potential determined pursuant to subdivision (b).

(d) As to any fund not reaching the real investment return potential, identify the reasons therefor.

(e) Determine what changes should be made by amending the Constitution, statutes, or administrative regulations and what organizational changes should be made, including budget, hiring of advisers as independent contractors, hiring of traders as independent contractors, and the use of electronic data equipment.

(7) The committee, through its staff and its consultant, in

achieving the goal specified in subdivision (b) of paragraph (6), shall do all of the following:

(a) Determine the potential for providing additional income without sacrificing risk or return.

(b) Determine the extent to which the funds now fall short of achieving additional income.

(c) Determine the identifiable reasons for failures to meet the potential.

(d) Determine what changes should be made by amending the Constitution, statutes, or administrative regulations and what organizational changes should be made, including budget, hiring of advisers as independent contractors, hiring of traders as independent contractors, and the acquisition or modification of electronic data equipment.

(8) The committee, through its staff and its consultant, in achieving the objectives specified in subdivision (c) of paragraph (1), shall do the following:

(a) Test a variety of investment hypotheses.

(b) Determine the effects on yield by share voting and alternative investments, through analysis using costs and time and the utilization of computers.

(9) The consultant retained by the Legislature shall work with the committee, the advisory committee, and the members and staff of the Joint Legislative Retirement Committee, and shall provide assistance to the author of any resulting bill.

(10) The consultant retained by the Legislature shall meet with the administrators and the administering bodies of the public and private pension funds to attempt to implement recommended organizational changes and any legislative changes in order to accomplish the recommendations of the consultant which have been approved by the committee, and by the Joint Legislative Retirement Committee.

(11) The Assembly Committee on Rules may make such money available from the Assembly Contingent Fund as it deems necessary for expenses of the joint committee and its members. Any expenditure of money shall be made in compliance with the policies of, and shall be subject to the approval of, the Assembly Committee on Rules. The joint committee shall, within 15 days of authorization and annually thereafter, present its annual budget to the Joint Rules Committee for its review and comment.

RESOLUTION CHAPTER 34

Assembly Joint Resolution No. 42—Relative to the California Air National Guard.

[Filed with Secretary of State May 1, 1989]

WHEREAS, The California Air National Guard has maintained a long and distinguished history of service to the State of California and the United States; and

WHEREAS, The California Air National Guard has consistently demonstrated a high degree of professionalism and mission accomplishment, and has repeatedly proven its worth as a first line combat ready organization; and

WHEREAS, On January 9, 1989, the United States Air Force announced its 1990 fiscal year force structure changes which will adversely affect the capabilities of three California Air National Guard units; and

WHEREAS, These force structure changes include downsizing the 146th Tactical Airlift Wing from 16 to 12 C-130E aircraft, downsizing and conversion of the 163rd Tactical Fighter Group from 24 F-4E jet fighters to 18 OA-10 forward air controller aircraft, and conversion of the 129th Aerospace Rescue and Recovery Group to six MH-606 Blackhawk helicopters with resources for only four of the six Blackhawks; and

WHEREAS, These downsizings, conversions, and reduced resources will degrade the capability of the units involved and result in the loss of cost-effective operational capabilities, skilled personnel, and firefighting capabilities, as well as substantial revenues to the communities involved; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress of the United States to require the Department of Defense and the Department of the Air Force to revise the proposed 1990 fiscal year force structure changes for the California Air National Guard to permit the 146th Tactical Airlift Wing to retain its full complement of 16 C-130E aircraft, to convert the 163rd Tactical Fighter Group to 24 F-16 aircraft, and to allocate to the 129th Aerospace Rescue and Recovery Group at least five of its six programmed Blackhawk helicopters in order to maintain the operational capabilities of these units; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense, and to the Secretary of the Air Force.

RESOLUTION CHAPTER 35

Senate Concurrent Resolution No. 11—Relative to the California Law Revision Commission.

[Filed with Secretary of State May 1, 1989]

WHEREAS, The California Law Revision Commission is authorized to study only topics set forth in the calendar contained in its report to the Governor and the Legislature which are thereafter approved for study by concurrent resolution of the Legislature, and topics which have been referred to the commission for study by concurrent resolution of the Legislature; and

WHEREAS, The commission, in its annual report covering its activities for 1988, lists 25 topics, all of which the Legislature has previously authorized or directed the commission to study; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature approves for continued study by the California Law Revision Commission the topics listed below, all of which the Legislature has previously authorized or directed the commission to study:

(1) Whether the law relating to creditors' remedies (including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code repossession of property provisions), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, and related matters) should be revised;

(2) Whether the California Probate Code should be revised, including, but not limited to, whether California should adopt, in whole or in part, the Uniform Probate Code;

(3) Whether the law relating to real and personal property (including, but not limited to, a Marketable Title Act, covenants, servitudes, conditions, and restrictions on land use or relating to land, possibilities of reverter, powers of termination, Section 1464 of the Civil Code, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon assignment, subletting, termination, or abandonment of a lease, powers of appointment, and related matters) should be revised;

(4) Whether the law relating to family law (including, but not limited to, community property) should be revised;

(5) Whether the law relating to the award of prejudgment interest in civil actions and related matters should be revised;

(6) Whether the law relating to class actions should be revised;

(7) Whether the law relating to offers of compromise should be revised;

(8) Whether the law relating to discovery in civil cases should be revised;

(9) Whether a summary procedure should be provided by which property owners can remove doubtful or invalid liens from their property, including a provision for payment of attorney's fees to the prevailing party;

(10) Whether acts governing special assessments for public improvements should be simplified and unified;

(11) Whether the law on injunctions and related matters should be revised;

(12) Whether the law relating to involuntary dismissal for lack of prosecution should be revised;

(13) Whether the law relating to statutes of limitations applicable to felonies should be revised;

(14) Whether the law relating to the rights and disabilities of minor and incompetent persons should be revised;

(15) Whether the law relating to custody of children, adoption, guardianship, freedom from parental custody and control, and related matters should be revised;

(16) Whether the Evidence Code should be revised;

(17) Whether the law relating to arbitration should be revised;

(18) Whether the law relating to modification of contracts should be revised;

(19) Whether the law relating to sovereign or governmental immunity in California should be revised;

(20) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised (including, but not limited to, liability for damages resulting from flood control projects) and whether the law relating to the liability of private persons under similar circumstances should be revised;

(21) Whether the law relating to liquidated damages in contracts generally, and particularly in leases, should be revised;

(22) Whether the parol evidence rule should be revised;

(23) Whether the law relating to pleadings in civil actions and proceedings should be revised;

(24) Whether there should be changes to administrative law;

(25) Whether the law relating to the payment and the shifting of attorneys' fees between litigants should be revised; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the California Law Revision Commission.

RESOLUTION CHAPTER 36

Senate Joint Resolution No. 13—Relative to the earth's environment.

[Filed with Secretary of State May 5, 1989]

WHEREAS, The world's population, now at five billion, is increasing by at least 80 million people every year, with approximately 90 percent of the growth occurring in developing countries, where most people struggle to eke out an existence. This swelling tide of humanity is wreaking havoc on the environment by chopping down forests, overgrazing grass lands, and overplowing crop lands in a desperate effort to produce more food; and

WHEREAS, The destruction of forests and other habitat is driving some 100 species of plants and animals to extinction every day. These losses are especially serious in the tropical forests, which cover only 7 percent of the earth's surface, but are home to between 50 and 80 percent of the planet's species. The genetic material being lost may contain important secrets for fighting diseases and improving crops; and

WHEREAS, Emissions of carbon dioxide and other greenhouse gasses, including methane and chlorofluorocarbons, with their heat-trapping properties, could raise the atmosphere's mean temperature as much as eight degrees Fahrenheit during the next 60 years. The major sources of carbon dioxide are the cars, factories, and powerplants of the industrial countries and the burning of tropical forests in the less developed countries of the world; and

WHEREAS, Global warming will lead to decreased rainfall and snowpack in certain areas of the world, and the irrigation-dependent agricultural industries will be devastated. The melting of the polar ice caps will lead to increases in sea level large enough to flood many low-lying areas and cause large-scale salinization of many farmlands; and

WHEREAS, In addition to contributing to the greenhouse effect, chlorofluorocarbons break down the earth's protective ozone layer, causing as much as a 50-percent loss over the Antarctic; and

WHEREAS, As nations produce millions of tons of household garbage and toxic industrial waste, the world is running out of places to dispose of this refuse, and the danger to human health is rapidly rising. The throw-away societies of the developed countries generate the most trash, but the developing nations have problems of their own, most notably their lack of technology to dispose of hazardous chemical waste safely; and

WHEREAS, Much of the current environmental crisis is rooted in, and exacerbated by, the widening gap between rich and poor nations. Industrialized countries contain only 23 percent of the world's population, yet they control 80 percent of the world's goods and are also responsible for the bulk of its pollution. However, it is

the developing countries that are hardest hit by overpopulation, malnutrition, and disease. As these nations struggle to catch up with the developed world, a vicious circle begins as their efforts at rapid industrialization poison their cities, while their attempts to boost agricultural production often result in the destruction of their forests and the depletion of their soils; and

WHEREAS, Many obstacles to economic and environmental improvements in the developing countries exist, including mammoth foreign debt, with the Third World collectively owing \$1.2 trillion to the banks and governments of industrialized countries; and

WHEREAS, Taking effective action to halt the massive injury to the earth's environment will require a mobilization of political will, international cooperation, and sacrifice unknown except in wartime. Both the causes and effects of the problems that threaten the earth are global, and they must be attacked globally; and

WHEREAS, The President of the United States, who successfully campaigned on national pollution issues, can assume a leadership role in directing a universal crusade to save the planet and humankind; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly; That the Legislature of the State of California respectfully requests the President to take the lead in making global environmental problems a top agenda item for the July 1989 Economic Summit, to be held in Paris, France, and to be attended by leaders of the major industrial nations of the world; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, to the Secretary of State, to the Administrator of the Environmental Protection Agency, to the Chairman of the Council on Environmental Quality, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 37

Assembly Concurrent Resolution No. 48—Relative to proclaiming Southeast Asia Genocide Remembrance Week.

[Filed with Secretary of State May 9, 1989]

WHEREAS, The genocide which is occurring in the Southeast Asian countries of Cambodia, Vietnam, and Laos following their fall to Communist forces in April 1975 is a human tragedy of immense proportions; and

WHEREAS, After the fall of Cambodia, millions of Cambodians were forcibly taken from their homes and put in concentration camps set up by the Khmer Rouge; and

WHEREAS, The Khmer Rouge executed all former government officials, military personnel, civil servants, professionals, and other educated persons; and

WHEREAS, Millions of Cambodians died of starvation in these concentration camps; and

WHEREAS, After the fall of South Vietnam to the Communists in 1975, the Communists began to methodically execute former government officials, civil servants, and military personnel; and

WHEREAS, Tens of thousands of Vietnamese patriots have been executed since 1975; and

WHEREAS, The Communist government of Laos is reportedly conducting chemical warfare against indigenous Hmong tribesmen; and

WHEREAS, The Surgeon General of the United States Department of the Army conducted an exhaustive study which confirmed the chemical warfare being conducted by the Communist government of Laos; and

WHEREAS, Amnesty International has determined that between 1.2 million and 2.5 million Cambodian, Vietnamese, and Laotian people have perished in this genocide since 1975; and

WHEREAS, The Southeast Asia Genocide is continuing today in these countries, as evidenced by the thousands of refugees fleeing each month; and

WHEREAS, The world must be made aware of the terrible reality and tragedy of the Southeast Asia Genocide so that it will be stopped; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 30 through May 6, 1989, is hereby proclaimed Southeast Asia Genocide Remembrance Week; and be it further

Resolved, That the Legislature urges all Californians to learn more about the Southeast Asia Genocide and to participate in the activities of Southeast Asia Genocide Remembrance Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 38

Assembly Concurrent Resolution No. 62—Relative to the National Day of Prayer.

[Filed with Secretary of State May 9, 1989]

WHEREAS, Deep religious beliefs inspired many of the early settlers of our country, providing them with the strength, character, convictions, and faith necessary to withstand great hardship and danger in this new and rugged land; and

WHEREAS, These shared beliefs helped forge a sense of common purpose among the widely dispersed colonies—a sense of community which laid the foundation for the spirit of nationhood that was to develop in later decades; and

WHEREAS, Whether at the landing of our forebears in New England and Virginia, the ordeal of the Revolutionary War, the stormy days of binding the 13 Colonies into one country, the Civil War, or other moments of trial over the years, we have turned to God in prayer for His help; and

WHEREAS, As we crossed and settled a continent, built a nation in freedom, and endured war and critical struggles to become the leader of the Free World and a sentinel of liberty, we repeatedly turned to our maker for strength and guidance in achieving the awesome tasks before us; and

WHEREAS, The attitudes we have as people united together, caring for each other, committed to freedom, holding high the dignity of each person, we practice through prayer which we derived from our religious heritage; and

WHEREAS, Since April 17, 1952, the recognition of a particular day each year as a National Day of Prayer has become part of the traditions we have as a people and is a day on which we are invited to turn to God in prayer and meditation in places of worship, in groups, and as individuals; and

WHEREAS, The President of the United States, in recognition of the will of the people as expressed in the mandate of the Congress of the United States contained in federal Public Law 82-324, as amended by federal Public Law 100-307, proclaims the first Thursday in May in each year as a “National Day of Prayer”; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby recognizes the first Thursday in May in each year, as “National Day of Prayer” and calls upon the people of California, each according to his or her faith, to gather together on that day in homes and places of worship to pray for unity of the hearts of all mankind; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 39

Assembly Concurrent Resolution No. 34—Relative to Toxic Awareness Week.

[Filed with Secretary of State May 12, 1989]

WHEREAS, Five years ago, on May 14, 1984, a hazardous waste spill occurred in the City of Santa Barbara, California; and

WHEREAS, This hazardous waste spill resulted in the evacuation of 3,500 people from the center of the city; and

WHEREAS, The training and preparedness for the emergency response to this disaster averted tragedy; and

WHEREAS, This hazardous waste accident has been the largest metropolitan hazardous waste accident in recent California history; and

WHEREAS, The transportation of hazardous materials through densely populated areas is a daily and frequent occurrence; and

WHEREAS, The transporters of these materials do not always employ all possible safety precautions; and

WHEREAS, A hazardous material accident could result in injuries or deaths, or in the evacuation, of the residents of the cities through which the transporters of hazardous materials pass; and

WHEREAS, Maintaining public health and safety is a prime responsibility of the State of California; and

WHEREAS, Hazardous wastes and hazardous materials are a threat to the health and safety of the citizens of California; and

WHEREAS, Despite the care taken by producers and transporters of hazardous materials, accidents and unforeseen disasters may occur; and

WHEREAS, It is critical that all individuals be aware of the dangers of hazardous materials and the safety precautions necessitated by the use of these materials; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby proclaims the week of May 14, 1989, as "Toxic Awareness Week," to commemorate the toxic spill of May 14, 1984, in the City of Santa Barbara; and be it further

Resolved, That the Legislature urges all Californians to reflect upon the role that hazardous materials play in the state's daily domestic and commercial existence; and be it further

Resolved, That the Legislature encourages California's public elementary and secondary schools and businesses to sponsor programs to inform students and employees of those accident prevention measures that should be taken when dealing with hazardous materials and proper emergency responses to hazardous waste accidents; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Mayor and City Council of the City of Santa Barbara, the Board of Supervisors of the County of Santa Barbara, and the Department of Transportation.

RESOLUTION CHAPTER 40

Assembly Concurrent Resolution No. 72—Relative to California Alcohol and Drug-Related Birth Defects Awareness Week.

[Filed with Secretary of State May 12, 1989.]

WHEREAS, It is conservatively estimated that there are at least 12,000 infants born in California each year exposed to alcohol or drugs during pregnancy. Some counties in the state report a drug-affected baby rate as high as one birth in five; and

WHEREAS, California ranks fourth in the nation with the number of pediatric AIDS cases. Most HIV positive children acquire the infection perinatally from mothers whose risk factor is their own intravenous drug use or that of their partners; and

WHEREAS, The medical effects on the infants are devastating. Alcohol use during pregnancy can cause mental retardation and deformities of the head, face, and heart. Drug-affected infants are often born prematurely, weighing only a few pounds and many suffering from withdrawal-like symptoms. Many die, and many are born with lifelong defects; and

WHEREAS, Beyond the tragic human side of the problem, alcohol and drug-affected infants often require expensive hospitalization for a prolonged period. With an average cost of nineteen thousand dollars (\$19,000) per infant, MediCal reports that state reimbursements for neonatal intensive care have jumped 80 percent in three years, to one hundred four million dollars (\$104,000,000) annually; and

WHEREAS, The State Department of Developmental Services and the State Department of Health Services report that their high-risk infant projects have seen a 65-percent increase from fiscal year 1985–86 to fiscal year 1987–88 in infants affected by alcohol or other drugs; and

WHEREAS, Alcohol and other drug-affected infants place an expensive burden on the foster care system, regional centers, the public and private health care systems, and the public school system; and

WHEREAS, California has more than one million women of child-bearing age who suffer from an alcohol and/or drug dependency problem and current resources are not adequate to meet the need; and

WHEREAS, The majority of the public, women and men, have very little knowledge of those health-related risks. The only effective means of protecting the health of these infants is to provide the services needed by mothers to address a problem that is addictive, not chosen, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of May 14 to 20 be proclaimed as California Alcohol and Drug-Related Defects Awareness Week.

RESOLUTION CHAPTER 41

Assembly Concurrent Resolution No. 74—Relative to Mother's Day.

[Filed with Secretary of State May 12, 1989]

WHEREAS, Each year, people across the United States set aside the second Sunday in May to pay special tribute to their mothers, to take time to remember the special warmth and compassion, unconditional love, and lifetime commitment which mothers have provided to their families; and

WHEREAS, The role of the mother in the family has been celebrated for centuries, dating back to the ancient Greeks and Romans, who held festivals to pay tribute to mothers; and

WHEREAS, In the United States, a number of individuals worked to have established a special day on which to honor mothers; however, it was Anna M. Jarvis who was successful in organizing the first formal observance of Mother's Day, which occurred on May 10, 1908; and

WHEREAS, In the years following, she worked diligently to popularize her idea and her single-minded labors were awarded when, in 1914, President Woodrow Wilson, responding to a joint resolution of Congress, issued a proclamation setting aside the second Sunday in May "for displaying the American Flag, and as a public expression of our love and reverence for the mothers of our country"; and

WHEREAS, Mother's Day quickly won popular acceptance both at home and abroad, and, in the United States and in many foreign nations, church services patterned after those held in 1908, as well as personal expressions of appreciation to mothers, became customary on the second Sunday in May; and

WHEREAS, The emblem of Mother's Day, the universal language and beauty of a flower, a Carnation, is expressive of an ideal and is associated through the world with the name "Mother"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby recognizes the second Sunday of May 1989, as Mother's Day, and urges all Californians to engage in appropriate observances and activities therefor; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution

RESOLUTION CHAPTER 42

Assembly Concurrent Resolution No. 26—Relative to proclaiming California Tourism Day.

[Filed with Secretary of State May 16, 1989]

WHEREAS, California has been and continues to be the premier travel destination in the United States; and

WHEREAS, Californians proudly and warmly welcome millions of domestic and international visitors annually; and

WHEREAS, As people all over the world become aware of the outstanding cultural, historical, and recreational resources available throughout the state, tourism is becoming an increasingly important aspect of the daily lives of people everywhere; and

WHEREAS, The great diversity of the Golden State's unique attractions and exciting destinations truly offer something for everyone; and

WHEREAS, The multiethnic and colorful heritage of the people of California presents a rich variety of backgrounds and culture in communities throughout the state; and

WHEREAS, Travel and tourism contribute significantly to California's economic life, generating over \$35 billion, including over \$1.6 billion in state tax revenues, and supporting nearly 600,000 jobs; and

WHEREAS, Local tourism development and promotion have become increasingly important to our state's rural regions; and

WHEREAS, Due to the decreased value of the dollar compared to foreign currencies, and California's place as a gateway to the Pacific Rim visitor, a major increase in international visitors from both Europe and Asia is expected in 1989; and

WHEREAS, The federal government will recognize the week of May 14 to 20 as National Tourism Week; and

WHEREAS, Local convention and visitor bureaus, local chambers of commerce, and the California Travel Industry Association will recognize May 22, 1989, as a day to celebrate travel and tourism's important economic and social contributions to this state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby designates May 22, 1989, as "California Tourism Day"; and be it further

Resolved, That the Legislature recognizes the importance of the public and private partnership in ensuring the success of the tourism industry and commends the efforts of the California Office of Tourism, local visitors bureaus and chambers of commerce, the California Tourism Commission, the California Tourism Corporation, the California Travel Industry Association, the Rural Marketing Committee, the California Hotel and Motel Association,

and all groups involved in the tourism industry; and be it further
Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Office of Tourism.

RESOLUTION CHAPTER 43

Assembly Concurrent Resolution No. 69—Relative to the 1998 Winter Olympics at the Lake Tahoe area.

[Filed with Secretary of State May 16, 1989.]

WHEREAS, The international Olympic games have historically been man's most successful effort at bringing together the peoples of the world in international competition; and

WHEREAS, The Olympic games have been held successfully in the United States, most recently the 1984 Summer Olympics in Los Angeles; and

WHEREAS, The Winter Olympics of 1960 at Squaw Valley, California, created pride in and recognition of the winter recreation capabilities of the Lake Tahoe area and were a factor in the development of one of the finest areas in the world for winter sports; and

WHEREAS, The area surrounding Lake Tahoe has many outstanding facilities for winter recreational activities and served as a gateway to the Summer Olympics of 1984 in Los Angeles; and

WHEREAS, The City of Reno, through its agent, the Reno/Tahoe Organizing Committee, Inc., is endeavoring to bring the winter Olympics to the Lake Tahoe area in 1998; and

WHEREAS, The citizens of California, particularly the citizens in the area surrounding Lake Tahoe, benefit in many ways when the winter Olympic games are staged in the Reno/Lake Tahoe area; and

WHEREAS, The staging of the games would bring worldwide attention to the fact that the Lake Tahoe area is capable of providing a large variety of winter recreational activities, and the Lake Tahoe area would be known internationally for many years to come for its recreational facilities; now, therefore, be it

Resolved by the Assembly of the State of California, and the Senate thereof concurring, That the Legislature supports the Reno/Tahoe Organizing Committee, Inc. in its attempts to bring the winter Olympics to the Lake Tahoe area in 1998; and be it further

Resolved, That the Legislature commends and encourages the committee in its efforts to achieve its stated goals; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to members of the United States Olympic Committee, the International Olympic Committee, and the Reno/Tahoe Organizing Committee.

RESOLUTION CHAPTER 44

Assembly Joint Resolution No. 3—Relative to Lake Norconian.

[Filed with Secretary of State May 25, 1989.]

WHEREAS, The west dam of Lake Norconian in the City of Norco, which is owned and maintained by the United States Navy, has been determined to be unstable and subject to liquefaction in an earthquake; and

WHEREAS, The present condition of the dam was documented in a dam safety report rendered in November 1983, under contract with the United States Navy; and

WHEREAS, The report determined that the approximately 50-year old dam should be repaired to eliminate the liquefaction potential since the area immediately downstream is residential and does not contain flood control features adequate to protect against dam failure; and

WHEREAS, The City of Norco was assured by the Navy in 1985 that the repair project would be designed and constructed in 1987 but was recently informed that funding for the repair project will be delayed until 1991; and

WHEREAS, Plans and specifications for the project are nearing completion, and the Navy is now requesting that funding for construction of the project be moved up to the spring of 1989; and

WHEREAS, In addition to the danger to existing downstream residential development, the construction of additional residential projects and a New Riverside Community College Campus in Norco will be delayed if the dam repair is not completed by the summer of 1989, now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to fund construction by the United States Navy of the repair of the west dam of Lake Norconian during the 1989 fiscal year in order to provide urgently needed protection for the people of the City of Norco and to ensure that a number of vitally needed developments within the city are not delayed; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Secretary of the Navy, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 45

Assembly Concurrent Resolution No. 68—Relative to California Foster Care Awareness Month.

[Filed with Secretary of State May 26, 1989.]

WHEREAS, Tens of thousands of children throughout California are provided essential services through the foster care system each year; and

WHEREAS, Children who cannot live with their biological families because of abuse, neglect, or abandonment require the skill, commitment, and nurturing of foster parents; and

WHEREAS, Foster parents play an essential role in breaking the cycle of child abuse and promoting the reunification of families requiring foster care services; and

WHEREAS, Foster parents contribute greatly to their communities and the state by meeting the vital needs of dependent children; and

WHEREAS, The Members of the California Legislature wish to acknowledge the important role of foster parents and the foster care system; and

WHEREAS, Public and private child welfare agencies throughout California host foster parent appreciation events during the month of May; and

WHEREAS, There remains a critical shortage of foster homes for teenagers, minorities, infants, and other special needs children; and

WHEREAS, Governor George Deukmejian has recognized the month of May 1989 as "California Foster Care Awareness Month;" now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the month of May 1989 be recognized as "California Foster Care Awareness Month" and that all citizens be urged to give recognition and appreciation to foster parents for the care that they provide; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the State Department of Social Services.

RESOLUTION CHAPTER 46

Assembly Concurrent Resolution No. 33—Relative to Make-A-Wish Foundation.

[Filed with Secretary of State May 30, 1989.]

WHEREAS, Over 10,000 children in the United States die from life-threatening illnesses each year; and

WHEREAS, The Make-A-Wish Foundation was established in

Phoenix, Arizona in 1980, and is the world's largest wish-granting organization which is dedicated to granting the wishes of children under the age of 18 with life-threatening illnesses; and

WHEREAS, The Make-A-Wish Foundation has established 68 chapters in 42 states across the country; and four international affiliates; and

WHEREAS, Families of these children do not have the luxury of time and frequently are not financially able to provide for a child's fondest wish; and

WHEREAS, A wish provides welcome respite from hospital corridors, medication, emotional fatigue, the stress brought on by serious illness, and medical expenses by offering a care-free experience in a world which previously existed only in their dreams; and

WHEREAS, Many dedicated individuals and private organizations are working to grant the wishes of these children; and

WHEREAS, More contributions will be necessary to sustain the organization; and

WHEREAS, It is appropriate to focus the attention of the citizens of California upon the wishes of these children in order that the wishes may be granted; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the Governor is hereby requested, to proclaim the month of June of each year as "MAKE-A-WISH MONTH" to make citizens of California aware of this fine organization which brings happiness and joy to children whose tomorrows are limited and to encourage support of the organization's activities; and be it further

Resolved, That the Governor encourage California residents to support the activities of the Make-A-Wish Foundation which helps to brighten the lives of children with life-threatening illnesses; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 47

Assembly Joint Resolution No. 11—Relative to the Medicare Catastrophic Coverage Act of 1988.

[Filed with Secretary of State May 30, 1989]

WHEREAS, The Medicare Catastrophic Health Care Act of 1988 abandons the traditional insurance financing principles of social security and Medicare; and

WHEREAS, All Medicare beneficiaries will pay an escalated premium covering 37 percent of the new benefits; and

WHEREAS, Approximately 44 percent of Medicare beneficiaries, or 14,300,000 persons will, under the act, pay an additional supplemental premium covering 63 percent of the cost of the new benefits; and

WHEREAS, The supplemental premium cannot be used as an income tax deductible expense item; and

WHEREAS, There is a growing dissatisfaction with the financing provisions of the act by the four million elderly in California; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the Medicare Catastrophic Coverage Act of 1988 to restore the traditional insurance financing principles of funding the Medicare program; and be it further

Resolved, That the act be amended to eliminate the discriminatory supplemental tax on federal income taxes to fund Part B coverage, the new prescription drug coverage, and other new coverages; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Chairpersons of the House and Senate Committees on Aging, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 48

Assembly Concurrent Resolution No. 19—Relative to AIR/SPACE America.

[Filed with Secretary of State June 12, 1989]

WHEREAS, The realization of the dream of a full-fledged International Air and Space Show for the United States occurred in San Diego from May 13-22, 1988; and

WHEREAS, AIR/SPACE America '88 provided a meeting place, a marketplace and a showcase for the aerospace industries of the world here in the United States for the first time; and

WHEREAS, Since the days of the Wright Brothers, America has been the leading innovator in aviation, and our first landing on the moon and the subsequent flights of the space shuttle established our country as the leader in space; and

WHEREAS, The electronics and communications industries of the United States have also played a key role in aerospace growth; and

WHEREAS, AIR/SPACE America '88 drew 345 exhibiting companies, with 450 total exhibits from 10 nations for a spectacular

exhibit of new developments in aviation, space, and electronics; and

WHEREAS, The show attracted nearly a quarter of a million people from the 50 states and 37 other countries to the San Diego area, and had an economic impact in excess of one hundred million dollars on the area and the State of California; now, therefore be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature extends its heartiest congratulations to AIR/SPACE America '88 for its outstanding success, applauds it for the vital impact it has had on the economy of the San Diego area and the State of California, and urges all Californians to support AIR/SPACE America '90 from May 15 to 24, 1990; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to AIR/SPACE America '88.

RESOLUTION CHAPTER 49

Assembly Joint Resolution No. 27—Relative to the national wine industry.

[Filed with Secretary of State June 13, 1989]

WHEREAS, The California wine industry is an important element of the agriculture and economy of California, and over half of the almost 700,000 acres of California grapes are planted in wine grapes; and

WHEREAS, California's \$5.5 billion wine industry ranks among the state's top agricultural-related businesses, and the wine industry employs over 75,000 Californians; and

WHEREAS, The California wine industry contributes over \$190,000,000 to the State of California through the payment of various taxes; and

WHEREAS, California winemakers experience substantial difficulties when attempting to ship or sell their wine in other states, due to the great variation in regulations of other states pertaining to shipping requirements, licensing, labeling, collection, and other areas; and

WHEREAS, Trade barriers imposed on California wines by sister states have a negative impact on the California economy, and those trade barriers are in direct contrast to the position of commodities of other states coming into California; and

WHEREAS, Wineries in other states also experience difficulties when marketing their product out-of-state; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact a national wine act to promote uniformity in marketing

requirements in the various states; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 50

Senate Concurrent Resolution No. 38—Relative to Food Science and Technology Week.

[Filed with Secretary of State June 15, 1989]

WHEREAS, The quality and quantity of the food supply in the United States are unmatched by those of any other country; and

WHEREAS, Nutritious foods are available, at a reasonable cost, for consumption both at home and away from home, throughout the year; and

WHEREAS, Food scientists and technologists in the United States working in education and government, have been innovative world leaders in the development, preservation, and distribution of safe, economical, and nutritious foods; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature declares the week of June 21, 1989, through June 28, 1989, as "Food Science and Technology Week"; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the Governor and the Director of Food and Agriculture.

RESOLUTION CHAPTER 51

Senate Joint Resolution No. 11—Relative to the Safe and Sober Graduation Night Celebration Program.

[Filed with Secretary of State June 15, 1989]

WHEREAS, Recent studies have shown that teenage drivers are involved in one out of every five fatal motor vehicle accidents; and

WHEREAS, Almost 60 percent of fatally injured teenage drivers were found to have drug or alcohol in their blood systems at the time of the accident, with 43 percent at legally intoxicating levels; and

WHEREAS, National data shows that 14 teenagers die every day in driving accidents involving substance abuse; and

WHEREAS, Teenage drivers are involved in one out of every four

injury accidents, injuring an average of 360 teenagers in drug or alcohol-related accidents every day; and

WHEREAS, Teenagers comprise 0.8 percent of the population who drive and account for 6 percent of the vehicle miles traveled, but account for 17 percent of all auto accidents, and at least 15 percent of all driving accidents involving substance abuse; and

WHEREAS, Injury and fatal automobile accidents involving teenagers are 8 percent higher during the two-month period between prom and post graduation celebrations over any other similar period of time during the year; and

WHEREAS, Graduation ranks among the four highest injury and fatality times of the year; and

WHEREAS, This loss of life can be prevented; and

WHEREAS, Some high schools have demonstrated an ability to provide a drug and alcohol free graduation celebration or all-night party with significant reductions in driving deaths, injuries, and arrests involving substance abuse; and

WHEREAS, This drug and alcohol free graduation celebration or all-night party serves as a positive model facilitating pupil, parent, school, and community resources to provide other alternative substance free celebrations; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California encourages school districts to establish a "Safe and Sober Graduation Night Celebration Program"; and be it further

Resolved, That the Secretary of the Senate send a copy of this resolution to the governing boards of all school districts which include grades 9-12, inclusive.

RESOLUTION CHAPTER 52

Senate Joint Resolution No. 16—Relative to the Sanitation District of Los Angeles County.

[Filed with Secretary of State June 19, 1989]

WHEREAS, In order to maintain the chemical, physical, and biological integrity of the nation's waters, the Clean Water Act amendments of 1977 mandated all municipal wastewater treatment plants in existence to establish capabilities to fully treat 100 percent of the sewage processed in those plants within five years; and

WHEREAS, Full secondary treatment is the best available method for protecting marine life and the ocean environment, removing from the waste stream the most deadly viruses from human waste and chemical toxins from industrial waste; and

WHEREAS, Full secondary treatment significantly decreases the incidence of toxic and bacterial wastes entering the human food

chain through the consumption of seafood, by reducing the quantity of harmful substances disposed in the marine environment; and

WHEREAS, The Sanitation District of Los Angeles County (SDLAC) facilitates the disposal of 350 million gallons per day of waste generated by approximately 3.5 million inhabitants and 70,000 commercial and industrial facilities; and

WHEREAS, The district is seeking a waiver from the Clean Water Act full secondary treatment requirement for approximately 50 percent, or an estimated 167 million gallons, of its daily volume; and

WHEREAS, A waiver from the full secondary treatment standard would cause elevated levels of toxic heavy metals, pesticides, polynuclear aromatic hydrocarbons, phenols, oil, and grease to be discharged in the ecologically sensitive Santa Monica Bay region; and

WHEREAS, A waiver from the Clean Water Act requirement for full secondary treatment is inconsistent with the goals of the National Estuaries Program, through which Santa Monica Bay was recognized in 1988 by the Environmental Protection Agency as a waterway of national significance and selected for a comprehensive cleanup program; and

WHEREAS, A waiver from the full secondary treatment standard would undermine the efforts of the National Estuaries Program management conference which is comprised of federal, state, and local regulators, industrial dischargers, and environmentalists who have undertaken a landmark effort to develop and implement a plan to restore the water quality of Santa Monica Bay and to protect it from future degradation; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Environmental Protection Agency to deny the application of the Sanitation District of Los Angeles County for a waiver from the requirements of subdivision (h) of Section 301 of the Clean Water Act, and urges the Environmental Protection Agency to expedite compliance with the full secondary treatment standard without delay; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 53

Senate Concurrent Resolution No. 42—Relative to Christo: The Umbrellas, Joint Project for Japan and U.S.A.

[Filed with Secretary of State June 19, 1989]

WHEREAS, During the month of October 1991, an ambitious temporary work of art will be placed at two different locations, thousands of miles apart, which will bring together and unite two diverse communities and cement forever the relationship of the people living in those contrasting communities; and

WHEREAS, Thousands of umbrellas, each more than 19 feet high and more than 28 feet in diameter, will meander in the landscape simultaneously for about 12 miles in Ibaraki Prefecture in Japan, and 16 miles in the southern portion of the State of California; and

WHEREAS, The brainchild of Christo, the world-renowned artist, The Umbrellas, Joint Project for Japan and U.S.A., is a temporary, three-week work of art that will draw attention to the similarities and differences in the ways of life in the inland Satogwa Valley north of Tokyo and in an area of Kern and Los Angeles Counties north of the City of Los Angeles; and

WHEREAS, "The Umbrellas" may be seen, approached, and enjoyed by the public, either by car from a distance and closer as they border the roads, or on foot in a promenade route, under "The Umbrellas" in their luminous shadows; and

WHEREAS, The fabric umbrellas will be blue in Japan and yellow in California, and they will be placed sometimes in clusters covering an entire field, or deployed in a line, or randomly spaced from each other, slightly tilted occasionally according to the slope of the land on which they stand; and

WHEREAS, The entire temporary work of art will be financed by Christo with The Umbrellas, Joint Project for Japan and USA Corporation through the sale of Christo's preparatory drawings, studies, collages, scale models, and early works; and

WHEREAS, Christo, a polysemous artist whose works have become increasingly dynamic and captivating, displays through his projects a sense of play and liberation which encourages the participation of, and elicits strong emotional responses from, the public; and

WHEREAS, Throughout the past 28 years, Christo's temporary works of art, which have been displayed in Europe, Australia, and in the United States, have included "Wrapped Coast," "Valley Curtain," "Wrapped Walk Ways," "Surrounded Islands," and "Running Fence," and have drawn worldwide attention to Christo's unique ability to create, on a grand scale, temporary works of art which become integral, flowing parts of their environment; and

WHEREAS, "The Umbrellas" will be a temporary work of art illustrating the tremendous creative energies of an artist devoted to a perspective of art which accentuates and enhances the surrounding natural elements; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature takes great pleasure in expressing appreciation to and endorsing Christo: The Umbrellas,

Joint Project for Japan and U.S.A., as a tribute to the global spirit of humankind and the miracles of nature; and be it further

Resolved, That the Department of Transportation, the Department of the California Highway Patrol, and the Department of Parks and Recreation are to be recognized for their continued cooperation with Christo and assistance in facilitating "The Umbrellas" project in California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to Christo, the Director of Transportation, the Commissioner of the California Highway Patrol, and the Director of Parks and Recreation.

RESOLUTION CHAPTER 54

Senate Joint Resolution No. 35—Relative to the People's Republic of China.

[Filed with Secretary of State June 20, 1989]

WHEREAS, Californians, with all Americans, share the goal of a peaceful world where freedom flourishes and where mutual respect prevails; and

WHEREAS, Peace includes much more than merely the absence of war, but also the existence of individual liberty and democratic rights; and

WHEREAS, California is home to hundreds of thousands of people of Chinese descent, many of whom have relatives still living in China, and who retain strong emotional ties to their ethnic homeland; and

WHEREAS, China has experienced an extraordinary growth of economic and social openness since the Cultural Revolution that has allowed the creation of an atmosphere of cooperation and trust between our two countries; and

WHEREAS, The Chinese student movement for greater freedom of expression and freedom of speech, which form the foundation of an open, democratic society has touched the hearts of Californians who cherish those rights as Americans; and

WHEREAS, The demonstrations by students and workers in support of democracy in the People's Republic of China reflected their nobility of spirit, dignity, and discipline in promoting peace and freedom; and

WHEREAS, Californians have watched with horror and indignation the use of brutal force against peaceful demonstrators; now, therefore be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California proclaims its abhorrence of the violence at the hands of the military which has brought tragedy to a sincere effort to secure peaceful reform, and

urges the government of the People's Republic of China to work toward a peaceful and positive solution to the current crisis; and be it further

Resolved, That the President of the United States of America demonstrate our indignation over the deaths and casualties which have occurred and our support for a peaceful resolution of the crisis; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, and each Senator and Representative from California in the Congress of the United States, and to the Ambassador of the People's Republic of China to the United States.

RESOLUTION CHAPTER 55

Assembly Joint Resolution No. 6—Relative to Medicare supplemental surtax.

[Filed with Secretary of State June 20, 1989]

WHEREAS, On July 1, 1988, President Reagan signed into law the Medicare Catastrophic Coverage Act of 1988 (House Resolution 2470, Public Law 100-360), the intent of which was to protect the nation's 32.4 million medicare beneficiaries against the high cost of long-term hospital and medical costs; and

WHEREAS, The benefits of the Catastrophic Act are to be fully financed by Medicare beneficiaries through a combination of an increased flat premium (presently Part B) and a supplemental surtax on an individual's tax liability, effective January 1, 1989, and increasing each year until 1993; and

WHEREAS, The flat monthly premium will increase for all Medicare beneficiaries, over and above what is already being charged, from \$4 per individual in 1989 to \$10.20 in 1993; and

WHEREAS, This supplemental surtax will increase a senior citizen's federal income tax liability by 15% in 1989, and will increase that liability to 28% by 1993; and

WHEREAS, An individual Medicare beneficiary could pay a maximum of \$800 surtax in 1989, increasing to \$1,050 in 1993, and a couple could pay \$1,600 and \$2,100, respectively; and

WHEREAS, The act includes coverage for prescription drugs, enhanced hospital benefits, and places a cap on certain expenses, but does not provide any coverage for long-term home or custodial care as is implied by the title of the act; and

WHEREAS, All Medicare-eligible individuals who pay federal income tax will have to pay the surtax whether or not they receive benefits; and

WHEREAS, The Congressional Budget Office estimates that only

7 percent of Medicare recipients will be eligible for benefits under the Medicare Catastrophic Coverage Act each year; and

WHEREAS, While the act will provide needed benefits to those few senior citizens who have no other access to catastrophic health care coverage, the act offers much less coverage than Medicare supplemental insurance plans offered through the Public Employees' Medical and Hospital Care Act and many other California public employee health plans; and

WHEREAS, On October 20, 1988, in Long Beach, California, a coalition of public employee groups representing retired state, local government, and school employees testified at a hearing on this issue held by the Assembly Committee on Public Employees, Retirement, and Social Security, and demanded that their situation be addressed; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California hereby memorializes the President and the Congress of the United States to institute a one-year moratorium on the implementation of the Medicare supplemental surtax; and be it further

Resolved, That the President and the Congress of the United States direct the appropriate agency to study the existing catastrophic health care coverage already available to many state, county, city, and other public and private employees, and assess the necessity of the Medicare Catastrophic Coverage Act for these individuals; and be it further

Resolved, That the Congress of the United States hold at least two hearings in California to allow California public and private employees to present testimony on their concerns; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, to each Senator and Representative from California in the Congress of the United States, to each member of the appropriate congressional committees, to the American Association of Retired Persons, and to representatives of active and retired public employee organizations.

RESOLUTION CHAPTER 56

Assembly Joint Resolution No. 14—Relative to improving the traffic flow through the Calexico Port of Entry.

[Filed with Secretary of State June 20, 1989]

WHEREAS, Increasing numbers of newly legalized amnesty recipients returning from visits in Mexico have exacerbated already heavy vehicular flow at the California-Mexico border crossing; and

WHEREAS, The delays during the Christmas and New Year holiday weekends resulted in waits from three to four hours at the Calexico Port of Entry; and

WHEREAS, These extremely long waits contributed to the tragic deaths, on January 2, 1989, of four members of one family, and the near deaths of two other children from carbon monoxide poisoning while they were sleeping in the camper of a pickup truck; and

WHEREAS, Efforts must be made to alleviate the length of waits in the future to prevent other similar tragedies; and the prolonged exposure to automobile fumes poses a significant health hazard to travelers at the border crossing; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California, realizing the necessity for improved traffic flow particularly when a heavier volume is anticipated, supports the proposal that additional entry lanes be opened at the Calexico border crossing; and be it further

Resolved, That the members point out the need for an increase in the number of customs inspectors to staff the port of entry to resolve these problems; and be it further

Resolved, That the members memorialize the President and Congress of the United States to provide for an independent and comprehensive investigation of the January 2, 1989, tragedy, for the purpose of developing recommendations for improvements at the Calexico Port of Entry; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of the Treasury, and to the Attorney General of the United States.

RESOLUTION CHAPTER 57

Assembly Joint Resolution No. 15—Relative to highway projects.

[Filed with Secretary of State June 20, 1989.]

WHEREAS, The citizens of California and the state's economy would substantially benefit from the expeditious development of newly funded highway construction projects; and

WHEREAS, The National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) (NEPA) and the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) (CEQA) require that the environmental impacts of major highway construction projects be identified and mitigation measures be developed where appropriate; and

WHEREAS, The Commission on California State Government

Organization and Economy and the Auditor General have found that federal environmental review of federal-aid highway projects is lengthy, and that federal review, on the average, requires four months for the Federal Highway Administration to grant approval, and considerably longer on more complex projects; and

WHEREAS, The Commission on California State Government Organization and Economy has found that there is substantial similarity between NEPA and CEQA; and

WHEREAS, Substantial savings could be achieved if the review of environmental documents for highway projects were expedited by a delegation of authority from the Federal Highway Administration to state transportation departments similar to that which occurs pursuant to the Clean Water Act (33 U.S.C. Sec. 1251 et seq.); now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation, in the interest of efficiency and economy, which provides that, in those states which have an environmental law as stringent as NEPA, the Secretary of Transportation discharge his or her responsibilities under Title 23 of the United States Code by accepting a certification by the state that it will perform these responsibilities with regard to all federal-aid highway projects and with regard to meeting the requirements of NEPA, of Section 303 of Title 49 of the United States Code, and of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, as amended); and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Transportation.

RESOLUTION CHAPTER 58

Assembly Concurrent Resolution No. 28—Relative to Older Californians.

[Filed with Secretary of State June 20, 1989]

WHEREAS California ranks highest among the 50 states in total population and in total number of persons aged 65 and over; and

WHEREAS, Over three million Californians aged 65 and older comprise 11.3 percent of the state's population; and

WHEREAS, Older Californians contribute greatly to society through volunteerism and the sharing of their wisdom and experience with disadvantaged youth, shut-ins, and many other

persons needing assistance; and

WHEREAS, Older Californians make significant contributions to all aspects of society and offer special insights and skills; and

WHEREAS, Older Californians are one of our most important yet still virtually untapped resources; and

WHEREAS, Older Californians are vibrant and effective and desire, above all else, to continue making their contribution to our state for many years to come;

WHEREAS, Governor George Deukmejian has proclaimed the month of May 1989 as Older Californians Month with the theme being "Golden Years in the Golden State"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby memorializes all citizens of California to recognize and appreciate the numerous contributions made by Older Californians, during May 1989 and throughout the year of 1989, by engaging in appropriate observances and activities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the California Senior Legislature, the Director of the Department of Aging, and the California Commission on Aging.

RESOLUTION CHAPTER 59

Assembly Concurrent Resolution No. 54—Relative to airports.

[Filed with Secretary of State June 21, 1989]

WHEREAS, During the early part of this decade the Pacific Rim economy relied primarily on ships to carry our goods to the Far East; and

WHEREAS, At present, much of this ship-borne produce has been transported by air carriers; and

WHEREAS, The increase in air carrier requirements necessitates additional airfield space; and

WHEREAS, Additional airfields are costly to develop, especially in metropolitan-adjacent areas; and

WHEREAS, Because of the shortage of existing airfields and airports, the need exists to preserve airfields and airports to ensure a continuation of our share of the Pacific Rim economy, including expanding our exportation of goods and services; and

WHEREAS, One of the major problems which exists with respect to the expansion of our existing air facilities is encroachment by businesses and residences, resulting in complaints regarding air traffic in those areas; and

WHEREAS, These complaints may result in the closure of airfields or the reduction in services to eliminate or decrease the noise

problems; and

WHEREAS, The military services have designed a system known as Air Installations Compatibility Use Zone (AICUZ), which allows for land procurement in the periphery of existing military airfields by the federal government in an attempt to eliminate the noise and encroachment problems; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature proposes to the boards of supervisors of the counties of the State of California that encroachment criteria be established in order to eliminate the possibility of airfield closure due to noise problems; and be it further

Resolved, That the Legislature encourages the counties to purchase land in the periphery of airfields in a manner similar to the AICUZ program in an effort to assure continuation of the benefits to our economy through our air traffic system; and be it further

Resolved, That the Legislature encourages the supervisors to expedite the formation of airport land use commissions and the adoption of comprehensive land use plans, as required by law, in order to incorporate land use elements into the county general plan and provide for the orderly growth of airfields and the area surrounding them; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the board of supervisors of each county in the State of California, and to the mayor of each city which contains or which has jurisdiction over a public use airport.

RESOLUTION CHAPTER 60

Assembly Joint Resolution No. 25—Relative to Firearms.

[Filed with Secretary of State June 21, 1989.]

WHEREAS, The intent of various states including California in the enactment of laws like the Dangerous Weapons' Control Law (Chapter 1 (commencing with Section 12000) of Title 2 of Part 4 of the Penal Code), is, in part, to limit as far as possible the use of instruments, particularly firearms, commonly associated with criminal activity and to minimize the danger to the public safety arising from the free access to firearms that can be used for crimes of violence; and

WHEREAS, It is recognized that certain persons, including persons who have previously been convicted of felonies and violent offenses, persons who have a history of serious mental health problems, and persons addicted to narcotics, pose a great threat to society if free access to firearms is readily made available to them; and

WHEREAS, In recognition of these concerns, the Legislature of

the State of California has enacted appropriate legislation requiring all persons who sell pistols, revolvers, or other firearms capable of being concealed upon the person to allow 15 days to elapse before delivery of the firearm in order that a background check on the purchaser can be undertaken; and

WHEREAS, The Legislature of California is currently considering expanding the 15-day waiting period to other firearms, including assault weapons and rifles and shotguns; and

WHEREAS, The enactment by the Congress of Section 6213 of the federal Comprehensive Alcohol Abuse, Drug Abuse, and Mental Health Amendments Act of 1988 (Public Law 100-690) suggest a national concern for the adoption of uniform or standard data collection of background information on a national basis; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to adopt legislation to require all states to make available to other states through existing data bases all criminal and serious mental health information on any persons who attempt to purchase a firearm in any state of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 61

Assembly Joint Resolution No. 35—Relative to veterans' educational benefits.

[Filed with Secretary of State June 26, 1989.]

WHEREAS, Veterans of service in the United States armed forces have sacrificed much for our country, and are all equally deserving of those benefits which have been provided by a thankful nation to help them make the often difficult transition from military to civilian life; and

WHEREAS, The educational benefits provided by the Veterans' Educational Assistance Act of 1984 (Public Law 95-525, Title VII, October 19, 1984), popularly known as the Montgomery GI Bill Act of 1984, reflected the need for education and training in making this transition; and

WHEREAS, Educational and training benefits have always been a wise investment by government because better jobs for veterans makes them taxpayers rather than recipients of public assistance, and

veterans particularly require help in readjusting to the civilian work force because military skills and training frequently have no civilian counterpart; and

WHEREAS, Servicemen and servicewomen were assured a 10-year period from separation from service within which to use the educational benefits earned under the Montgomery GI Bill, although the termination of this period on December 31, 1989, means that everyone separating from service after December 31, 1979, has less than a 10-year period within which to use these benefits; and

WHEREAS, These more recent veterans are no less deserving or needy than their pre-1980 counterparts, and all veterans who have earned their GI Bill educational benefits should be afforded sufficient time within which to fully utilize their benefits; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress of the United States to immediately support and enact an amendment to the Veterans' Educational Assistance Act of 1984 (the Montgomery GI Bill Act of 1984) to delete December 31, 1989, as the termination date for eligibility for educational and training benefits under that act and instead provide every veteran a 10-year period from separation from service within which his or her benefits may be used; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 62

Assembly Concurrent Resolution No. 44—Relative to Older Americans Month projects.

[Filed with Secretary of State June 26, 1989]

WHEREAS, The Central Coast Commission for Senior Citizens Area Agency on Aging and the San Luis Obispo County Commission on Aging recently published a book, "My Favorite Senior Citizen," as part of a very successful intergenerational project for Older Americans Month; and

WHEREAS, The project was entitled, "The First Intergenerational Art, Poetry, and Creative Writing Contest" with the theme, "My Favorite Senior Citizens," and was open to all county children ages 5 to 18 years, inclusive; and

WHEREAS, The judging for the contest was provided by local senior citizen experts in art, poetry, and writing; and

WHEREAS, The first, second, and third place, and honorable mention winners were selected from approximately 500 entries; and

WHEREAS, Business, service organizations, and aging advocacy groups donated small cash awards for the winners; and

WHEREAS, The project was created to make charming representations of love and compassion available to a wider senior audience, especially to seniors living in skilled nursing facilities and residential care facilities; and

WHEREAS, This cooperative effort has resulted in a collection of creative works from children expressing their respect and admiration for their favorite senior citizens; and

WHEREAS, "My Favorite Senior Citizen" shares the remembrances, joys, and special feelings that children and seniors bring to each others' lives; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby encourages all area agencies on aging throughout the state to sponsor an intergenerational project similar to the project which produced the book "My Favorite Senior Citizen," as part of Older Americans Month activities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the California Senior Legislature, the Director of the Department of Aging, the California Commission on Aging, and the Triple A Councils of California.

RESOLUTION CHAPTER 63

Senate Joint Resolution No. 9—Relative to urban search and heavy rescue.

[Filed with Secretary of State June 28, 1989.]

WHEREAS, The San Fernando earthquake of 1971, the Coalinga earthquake of 1983, the Mexico City earthquake of 1985, the Whittier-Narrows earthquake of 1987, and the Armenia earthquake of 1988 all demonstrated the vulnerability of buildings to structural collapse and the real, as well as potential, likelihood for thousands of victims to become trapped in rubble; and

WHEREAS, These unfortunate disasters clearly prove the need for the federal government to adequately plan and prepare for assisting state and local governments in critical urban search and heavy rescue activities following a major earthquake; and

WHEREAS, It is the general consensus of most experts that a local community must rely upon assistance from neighboring areas, the state, and the federal government to meet the heavy life safety service requirements following a major earthquake, and it is a common opinion that a state will have to rely on its own resources

for at least 36 hours after a major earthquake strikes before organized assistance from neighboring states or the federal government can arrive; and

WHEREAS, It is also the opinion of the experts that the first 24 hours is the critical time period in which most injured or trapped victims must be saved; and

WHEREAS, Although there is a critical need for a swift, coordinated federal, state, and local urban search and heavy rescue response capability if the United States is to avoid the tremendous loss of life experienced during the Mexico City and Armenia incidents, unfortunately, local fire, law enforcement, and emergency medical services will likely be too overtaxed to respond to all the public safety and life saving demands following a major earthquake in a metropolitan area; and

WHEREAS, Properly equipped and trained urban search and heavy rescue professional and volunteer personnel would significantly enhance the effective rescue of victims trapped in the rubble of collapsed structures; and

WHEREAS, Urban search and heavy rescue efforts in a major metropolitan area will require a large number of well-trained personnel, with specialized equipment and apparatus, operating under a well-coordinated and managed response, and personnel and resources from throughout the United States will have to be swiftly transported to the impacted area if victims trapped in collapsed structures following an earthquake are to be saved; and

WHEREAS, Four key elements of an effective urban search and heavy rescue capability are: heavy rescue apparatus (units/rigs); proper search and rescue equipment (hand-tools/protective gear); well-trained personnel skilled in operating the apparatus, utilizing the necessary equipment, and directing the proper procedures in search and rescue efforts; and a swift, preplanned, coordinated federal, state, and local response; and

WHEREAS, It is essential to not only have readily available the necessary quantity of proper equipment and personnel skilled in urban search and heavy rescue procedures, but the ability to transport those resources to the impacted area within the first critical 24 hours following a catastrophic earthquake; and

WHEREAS The federal government has significant resources and personnel appropriate for performing urban search and heavy rescue efforts, as well as the capability of transporting both public and private sector urban search and heavy rescue resources to an impacted area; and

WHEREAS, The federal government must be properly prepared to swiftly and effectively assist state and local governments in critical urban search and heavy rescue efforts following a major earthquake in a metropolitan area, and the federal government, in cooperation with state and local jurisdictions, should develop a coordinated urban search and heavy rescue capability; now, therefore, be it

Resolved by the Senate and Assembly of the State of California,

jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to direct the appropriate federal agencies and the United States military to work with state and local governments to develop a coordinated urban search and heavy rescue response plan for their respective states and local communities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 64

Assembly Joint Resolution No. 37—Relative to United States and Mexico relations.

[Filed with Secretary of State June 29, 1989]

WHEREAS, California and Mexico have a unique relationship, joined by a common border, history, and culture; and

WHEREAS, The maintenance and improvement of this relationship is evidenced by the recent opening of a California trade and investment office in Mexico; and

WHEREAS, The resolution of common problems is best accomplished by bilateral agreement and joint cooperation; and

WHEREAS, California's relations with Mexico are often affected by actions taken by the federal government of the United States of America; and

WHEREAS, The recent announcement of the Immigration and Naturalization Service to construct a four-mile long ditch along the California-Mexico border in the region known as Otay Mesa to control the entry of illegal aliens and to provide some degree of flood control has engendered controversy both here and in Mexico; and

WHEREAS, The original concept worked out by members of the United States-Mexico International Boundary and Water Commission was for the construction only of a drainage system for storm water runoff; and

WHEREAS, The government of Mexico has recently protested the construction of a four-mile long, east-west concrete barrier on the California side of the international border noting that it had never agreed to such a proposal in negotiations with the United States on flood control issues; and

WHEREAS, California has actively sought to strengthen its relationship with Mexico, recognizing that nearly a quarter of its residents trace their heritage to Mexico and that two-way trade with Mexico now totals \$4 billion annually and

WHEREAS, It is in the best interest of California and the United States to work cooperatively with the government of Mexico to resolve disagreements which affect the lives of the people on both sides of the international border; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States, the Attorney General of the United States, the United States Department of Justice, the Commissioner of the United States Immigration and Naturalization Service, and the Congress of the United States, in particular the Foreign Relations Committees of the United States Senate and the United States House of Representatives, to postpone action on the construction of the border ditch and begin negotiations immediately with Mexico to resolve this disagreement; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Attorney General of the United States, to the United States Department of Justice, to the Commissioner of the United States Immigration and Naturalization Service, to the Speaker of the United States House of Representatives, to each member of the Foreign Relations Committees of the United States Senate and the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 65

Senate Joint Resolution No. 10—Relative to refugees.

[Filed with Secretary of State July 5, 1989]

WHEREAS, Almost 14 years have passed since the end of the Vietnam War, yet thousands of Southeast Asians remain in refugee camps in Thailand, Malaysia, Hong Kong, the Philippines, and other first-asylum countries; and

WHEREAS, The future of Cambodia remains uncertain with the threat of the Khmer Rouge's "killing field" regardless of Vietnam's promise to end its 10-year occupation of that country by 1990; and

WHEREAS, Many other refugees, of whom 450,000 are Southeast Asians, have made their homes in California and many are now United States citizens and are contributing members of their new country; and

WHEREAS, Many refugees in camps in first-asylum countries are husbands, wives, parents, children, and other family members of former refugees who are now citizens living in the State of California, and many of these refugees have remained in refugee camps for the past several years; and

WHEREAS, The ceiling for refugees coming from Vietnam in the Orderly Departure Program (ODP) was reduced by 5,500, to a level of 19,500, of which 12,000 was allocated for Amerasians and their family members under the Amerasian Homecoming Act. The total allocations for Southeast Asian refugees, under the first-asylum category, was reduced by 1,000, to a level of 27,000. And the number for Near East, which includes Iran and Afghanistan, was cut by 500, to a level of 6,500, resulting in a total reduction for all three categories of 7,000; and

WHEREAS, This decision by the Reagan Administration was made to accommodate the swelling numbers of Soviet refugees by cutting back on the quota of refugees from Asia; and

WHEREAS, A large number of Vietnamese who are expected to come to the United States under the Orderly Departure Program are former political prisoners or reeducation camp cases, many of whom our government has a special responsibility for because they once worked for the United States or fought side by side with American soldiers, for whom the executive branch and Congress jointly gave special priority when they established the refugee admittance quota; and

WHEREAS, Many of the political prisoners or former political prisoners in Vietnam and their relatives are now qualified for admission to the United States as refugees, and this cut weakens the ability to negotiate with the Vietnamese government for the release and emigration of political prisoners; and

WHEREAS, The result of this reduction is likely to increase the number of people risking their lives fleeing Vietnam by boat or Laos and Cambodia by land and will contribute to the current crisis of asylum in Southeast Asia; and

WHEREAS, The legitimate mechanism for consultation with Congress to raise admissions levels based upon international crisis and demonstrated needs was bypassed in order to make the reallocation, thus affecting the integrity of the United States' refugee policy; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to increase the overall number of admissions of refugees and avoid the possible competition between different refugee groups from different parts of the world; and be it further

Resolved, That the United States should allow more immigration by raising the quotas for each country, rather than merely shifting numbers from one category to another, therefore forcing conflicts between countries and communities; and be it further

Resolved, That the United States should have flexibility in adjusting the refugee admittance ceilings to the same level as it was established: 25,000 for the Orderly Departure Program, 28,000 for first asylum in Southeast Asia, and 7,000 for the Near East region; and be it further

Resolved, That the United States should take an active leadership role within the international community to search for a long-term and satisfactory solution to the current refugee crisis in Southeast Asia; and be it further

Resolved, That the United States should take all measures to prevent the return to power of the Khmer Rouge regime in Cambodia to avoid the tragedy of another genocidal government; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and the United Nations High Commissioner for Refugees.

RESOLUTION CHAPTER 66

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 2, subdivision (c) of Section 3, and Sections 8 and 9 of, and by adding Sections 1.5 and 10.5 to, Article XIII B thereof, and by amending Sections 8 and 8.5 of Article XVI thereof, relating to appropriations limitations.

[Filed with Secretary of State July 5, 1989]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1989–90 Regular Session commencing on the fifth day of December 1988, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First—That Section 1 of Article XIII B thereof is amended to read:

SEC. 1. The total annual appropriations subject to limitation of the state and of each local government shall not exceed the appropriations limit of the entity of government for the prior year adjusted for the change in the cost of living and the change in population, except as otherwise provided in this article.

Second—That Section 1.5 is added to Article XIII B thereof, to read:

SEC. 1.5. The annual calculation of the appropriations limit under this article for each entity of local government shall be reviewed as part of an annual financial audit.

Third—That Section 2 of Article XIII B thereof is amended to read:

SEC. 2. (a) (1) Fifty percent of all revenues received by the state in a fiscal year and in the fiscal year immediately following it in excess of the amount which may be appropriated by the state in

compliance with this article during that fiscal year and the fiscal year immediately following it shall be transferred and allocated, from a fund established for that purpose, pursuant to Section 8.5 of Article XVI.

(2) Fifty percent of all revenues received by the state in a fiscal year and in the fiscal year immediately following it in excess of the amount which may be appropriated by the state in compliance with this article during that fiscal year and the fiscal year immediately following it shall be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years.

(b) All revenues received by an entity of government, other than the state, in a fiscal year and in the fiscal year immediately following it in excess of the amount which may be appropriated by the entity in compliance with this article during that fiscal year and the fiscal year immediately following it shall be returned by a revision of tax rates or fee schedules within the next two subsequent fiscal years.

Fourth—That subdivision (c) of Section 3 of Article XIII B thereof is amended to read:

(c) (1) In the event an emergency is declared by the legislative body of an entity of government, the appropriations limit of the affected entity of government may be exceeded provided that the appropriations limits in the following three years are reduced accordingly to prevent an aggregate increase in appropriations resulting from the emergency.

(2) In the event an emergency is declared by the Governor, appropriations approved by a two-thirds vote of the legislative body of an affected entity of government to an emergency account for expenditures relating to that emergency shall not constitute appropriations subject to limitation. As used in this paragraph, "emergency" means the existence, as declared by the Governor, of conditions of disaster or of extreme peril to the safety of persons and property within the state, or parts thereof, caused by such conditions as attack or probable or imminent attack by an enemy of the United States, fire, flood, drought, storm, civil disorder, earthquake, or volcanic eruption.

Fifth—That Section 8 of Article XIII B thereof is amended to read:

SEC. 8. As used in this article and except as otherwise expressly provided herein:

(a) "Appropriations subject to limitation" of the state means any authorization to expend during a fiscal year the proceeds of taxes levied by or for the state, exclusive of state subventions for the use and operation of local government (other than subventions made pursuant to Section 6) and further exclusive of refunds of taxes, benefit payments from retirement, unemployment insurance, and disability insurance funds.

(b) "Appropriations subject to limitation" of an entity of local government means any authorization to expend during a fiscal year the proceeds of taxes levied by or for that entity and the proceeds of state subventions to that entity (other than subventions made

pursuant to Section 6) exclusive of refunds of taxes.

(c) "Proceeds of taxes" shall include, but not be restricted to, all tax revenues and the proceeds to an entity of government, from (1) regulatory licenses, user charges, and user fees to the extent that those proceeds exceed the costs reasonably borne by that entity in providing the regulation, product, or service, and (2) the investment of tax revenues. With respect to any local government, "proceeds of taxes" shall include subventions received from the state, other than pursuant to Section 6, and, with respect to the state, proceeds of taxes shall exclude such subventions.

(d) "Local government" means any city, county, city and county, school district, special district, authority, or other political subdivision of or within the state.

(e) (1) "Change in the cost of living" for the state, a school district, or a community college district means the percentage change in California per capita personal income from the preceding year.

(2) "Change in the cost of living" for an entity of local government, other than a school district or a community college district, shall be either (A) the percentage change in California per capita personal income from the preceding year, or (B) the percentage change in the local assessment roll from the preceding year for the jurisdiction due to the addition of local nonresidential new construction. Each entity of local government shall select its change in the cost of living pursuant to this paragraph annually by a recorded vote of the entity's governing body.

(f) "Change in population" of any entity of government, other than the state, a school district, or a community college district, shall be determined by a method prescribed by the Legislature.

"Change in population" of a school district or a community college district shall be the percentage change in the average daily attendance of the school district or community college district from the preceding fiscal year, as determined by a method prescribed by the Legislature.

"Change in population" of the state shall be determined by adding (1) the percentage change in the state's population multiplied by the percentage of the state's budget in the prior fiscal year that is expended for other than educational purposes for kindergarten and grades one to 12, inclusive, and the community colleges, and (2) the percentage change in the total statewide average daily attendance in kindergarten and grades one to 12, inclusive, and the community colleges, multiplied by the percentage of the state's budget in the prior fiscal year that is expended for educational purposes for kindergarten and grades one to 12, inclusive, and the community colleges.

Any determination of population pursuant to this subdivision, other than that measured by average daily attendance, shall be revised, as necessary, to reflect the periodic census conducted by the United States Department of Commerce, or successor department.

(g) "Debt service" means appropriations required to pay the cost of interest and redemption charges, including the funding of any reserve or sinking fund required in connection therewith, on indebtedness existing or legally authorized as of January 1, 1979, or on bonded indebtedness thereafter approved according to law by a vote of the electors of the issuing entity voting in an election for that purpose.

(h) The "appropriations limit" of each entity of government for each fiscal year is that amount which total annual appropriations subject to limitation may not exceed under Sections 1 and 3. However, the "appropriations limit" of each entity of government for fiscal year 1978-79 is the total of the appropriations subject to limitation of the entity for that fiscal year. For fiscal year 1978-79, state subventions to local governments, exclusive of federal grants, are deemed to have been derived from the proceeds of state taxes.

(i) Except as otherwise provided in Section 5, "appropriations subject to limitation" do not include local agency loan funds or indebtedness funds, investment (or authorizations to invest) funds of the state, or of an entity of local government in accounts at banks or savings and loan associations or in liquid securities.

Sixth—That Section 9 of Article XIII B thereof is amended to read:

SEC. 9. "Appropriations subject to limitation" for each entity of government do not include:

(a) Appropriations for debt service.

(b) Appropriations required to comply with mandates of the courts or the federal government which, without discretion, require an expenditure for additional services or which unavoidably make the provision of existing services more costly.

(c) Appropriations of any special district which existed on January 1, 1978, and which did not as of the 1977-78 fiscal year levy an ad valorem tax on property in excess of 12½ cents per \$100 of assessed value; or the appropriations of any special district then existing or thereafter created by a vote of the people, which is totally funded by other than the proceeds of taxes.

(d) Appropriations for all qualified capital outlay projects, as defined by the Legislature.

(e) Appropriations of revenue which are derived from any of the following:

(1) That portion of the taxes imposed on motor vehicle fuels for use in motor vehicles upon public streets and highways at a rate of more than nine cents (\$0.09) per gallon.

(2) Sales and use taxes collected on that increment of the tax specified in paragraph (1).

(3) That portion of the weight fee imposed on commercial vehicles which exceeds the weight fee imposed on those vehicles on January 1, 1990.

Seventh—That Section 10.5 is added to Article XIII B thereof, to read:

SEC. 10.5. For fiscal years beginning on or after July 1, 1990, the

appropriations limit of each entity of government shall be the appropriations limit for the 1986-87 fiscal year adjusted for the changes made from that fiscal year pursuant to this article, as amended by the measure adding this section, adjusted for the changes required by Section 3.

Eighth—That Section 8 of Article XVI thereof is amended to read:

SEC. 8. (a) From all state revenues there shall first be set apart the moneys to be applied by the state for support of the public school system and public institutions of higher education.

(b) Commencing with the 1990-91 fiscal year, the moneys to be applied by the state for the support of school districts and community college districts shall be not less than the greater of the following amounts:

(1) The amount which, as a percentage of General Fund revenues which may be appropriated pursuant to Article XIII B, equals the percentage of General Fund revenues appropriated for school districts and community college districts, respectively, in fiscal year 1986-87.

(2) The amount required to ensure that the total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes shall not be less than the total amount from these sources in the prior fiscal year, excluding any revenues allocated pursuant to subdivision (a) of Section 8.5, adjusted for changes in enrollment and adjusted for the change in the cost of living pursuant to paragraph (1) of subdivision (e) of Section 8 of Article XIII B. This paragraph shall be operative only in a fiscal year in which the percentage growth in California per capita personal income is less than or equal to the percentage growth in per capita General Fund revenues plus one half of one percent.

(3) (A) The amount required to ensure that the total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes shall equal the total amount from these sources in the prior fiscal year, excluding any revenues allocated pursuant to subdivision (a) of Section 8.5, adjusted for changes in enrollment and adjusted for the change in per capita General Fund revenues.

(B) In addition, an amount equal to one-half of one percent times the prior year total allocations to school districts and community colleges from General Fund proceeds of taxes appropriated pursuant to Article XIII B and allocated local proceeds of taxes, excluding any revenues allocated pursuant to subdivision (a) of Section 8.5, adjusted for changes in enrollment.

(C) This paragraph (3) shall be operative only in a fiscal year in which the percentage growth in California per capita personal income in a fiscal year is greater than the percentage growth in per capita General Fund revenues plus one half of one percent.

(c) In any fiscal year, if the amount computed pursuant to

paragraph (1) of subdivision (b) exceeds the amount computed pursuant to paragraph (2) of subdivision (b) by a difference that exceeds one and one-half percent of General Fund revenues, the amount in excess of one and one-half percent of General Fund revenues shall not be considered allocations to school districts and community colleges for purposes of computing the amount of state aid pursuant to paragraph (2) or 3 of subdivision (b) in the subsequent fiscal year

(d) In any fiscal year in which school districts and community college districts are allocated funding pursuant to paragraph (3) of subdivision (b) or pursuant to subdivision (h), they shall be entitled to a maintenance factor, equal to the difference between (1) the amount of General Fund moneys which would have been appropriated pursuant to paragraph (2) of subdivision (b) if that paragraph had been operative or the amount of General Fund moneys which would have been appropriated pursuant to subdivision (b) had subdivision (b) not been suspended, and (2) the amount of General Fund moneys actually appropriated to school districts and community college districts in that fiscal year.

(e) The maintenance factor for school districts and community college districts determined pursuant to subdivision (d) shall be adjusted annually for changes in enrollment, and adjusted for the change in the cost of living pursuant to paragraph (1) of subdivision (e) of Section 8 of Article XIII B, until it has been allocated in full. The maintenance factor shall be allocated in a manner determined by the Legislature in each fiscal year in which the percentage growth in per capita General Fund revenues exceeds the percentage growth in California per capita personal income. The maintenance factor shall be reduced each year by the amount allocated by the Legislature in that fiscal year. The minimum maintenance factor amount to be allocated in a fiscal year shall be equal to the product of General Fund revenues from proceeds of taxes and one-half of the difference between the percentage growth in per capita General Fund revenues from proceeds of taxes and in California per capita personal income, not to exceed the total dollar amount of the maintenance factor.

(f) For purposes of this section, "changes in enrollment" shall be measured by the percentage change in average daily attendance. However, in any fiscal year, there shall be no adjustment for decreases in enrollment between the prior fiscal year and the current fiscal year unless there have been decreases in enrollment between the second prior fiscal year and the prior fiscal year and between the third prior fiscal year and the second prior fiscal year.

(h) Subparagraph (E) of paragraph (3) of subdivision (b) may be suspended for one year only when made part of or included within any bill enacted pursuant to Section 12 of Article IV. All other provisions of subdivision (b) may be suspended for one year by the enactment of an urgency statute pursuant to Section 8 of Article IV, provided that the urgency statute may not be made part of or

included within any bill enacted pursuant to Section 12 of Article IV.

Ninth—That Section 8.5 of Article XVI thereof is amended to read:

SEC. 8.5. (a) In addition to the amount required to be applied for the support of school districts and community college districts pursuant to Section 8, the Controller shall during each fiscal year transfer and allocate all revenues available pursuant to paragraph 1 of subdivision (a) of Section 2 of Article XIII B to that portion of the State School Fund restricted for elementary and high school purposes, and to that portion of the State School Fund restricted for community college purposes, respectively, in proportion to the enrollment in school districts and community college districts respectively.

(1) With respect to funds allocated to that portion of the State School Fund restricted for elementary and high school purposes, no transfer or allocation of funds pursuant to this section shall be required at any time that the Director of Finance and the Superintendent of Public Instruction mutually determine that current annual expenditures per student equal or exceed the average annual expenditure per student of the 10 states with the highest annual expenditures per student for elementary and high schools, and that average class size equals or is less than the average class size of the 10 states with the lowest class size for elementary and high schools.

(2) With respect to funds allocated to that portion of the State School Fund restricted for community college purposes, no transfer or allocation of funds pursuant to this section shall be required at any time that the Director of Finance and the Chancellor of the California Community Colleges mutually determine that current annual expenditures per student for community colleges in this state equal or exceed the average annual expenditure per student of the 10 states with the highest annual expenditures per student for community colleges.

(b) Notwithstanding the provisions of Article XIII B, funds allocated pursuant to this section shall not constitute appropriations subject to limitation.

(c) From any funds transferred to the State School Fund pursuant to subdivision (a), the Controller shall each year allocate to each school district and community college district an equal amount per enrollment in school districts from the amount in that portion of the State School Fund restricted for elementary and high school purposes and an equal amount per enrollment in community college districts from that portion of the State School Fund restricted for community college purposes.

(d) All revenues allocated pursuant to subdivision (a) shall be expended solely for the purposes of instructional improvement and accountability as required by law.

(e) Any school district maintaining an elementary or secondary school shall develop and cause to be prepared an annual audit accounting for such funds and shall adopt a School Accountability

Report Card for each school.

Tenth—That the amendment of the Constitution made by this measure shall take effect on July 1 next following the date on which this measure is approved by the electors.

RESOLUTION CHAPTER 67

Assembly Joint Resolution No. 5—Relative to the home mortgage interest deduction.

[Filed with Secretary of State July 7, 1989]

WHEREAS, Home ownership has been and is a fundamental building block of the American ideal; and

WHEREAS, Home ownership gives citizens a greater sense of belonging and commitment to their community; and

WHEREAS, Industries associated with home ownership make an extremely large contribution to the nation's economy; and

WHEREAS, In recent years the rising cost of housing has for many made the dream of home ownership distant and elusive; and

WHEREAS, The mortgage interest deduction is a positive force keeping the dream of home ownership alive for many Americans; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to refrain from taking any action, as part of tax reform efforts or otherwise, that would reduce, otherwise diminish, or eliminate the home mortgage interest deduction; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 68

Assembly Concurrent Resolution No. 23—Relative to the David E. Pierson and Bill Freeman Highway.

[Filed with Secretary of State July 7, 1989.]

WHEREAS, The efforts and advocacy of David E. Pierson, County Public Works Director for Imperial County, and of Bill Freeman, past chairman of the Highway 86 Improvement Association, culminated in the expansion of an eight-mile segment of State

Highway Route 86 in Imperial County to a four-lane expressway, an improvement which will greatly enhance traffic safety on the highway; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the segment of State Highway Route 86 in Imperial County from Travertine Rock at the Imperial County line to the San Felipe Creek Bridge be officially designated the "David E. Pierson and Bill Freeman Highway" in recognition of the dedicated efforts of David E. Pierson and Bill Freeman; and be it further

Resolved, That the Department of Transportation be directed to determine the cost of erecting appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the official designation, and, upon receiving donations from private sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 69

Assembly Concurrent Resolution No. 27—Relative to highways to Yosemite.

[Filed with Secretary of State July 7, 1989.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the portion of State Highway Route 41 in Madera County is hereby officially designated the Southern Yosemite Highway; and be it further

Resolved, That the portion of State Highway Route 120 in Stanislaus and Tuolumne Counties is hereby officially designated the Northern Yosemite Highway; and be it further

Resolved, That the portion of State Highway Route 132 in Mariposa County is hereby officially designated the Historic Yosemite Highway; and be it further

Resolved, That the portion of State Highway Route 140 in Mariposa County is hereby officially designated the Central Yosemite Highway; and be it further

Resolved, That the Department of Transportation is directed to determine the costs of erecting appropriate plaques and markers, consistent with signing requirements for the state highway system, showing these special designations and, upon receiving donations from private sources covering those costs, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 70

Assembly Concurrent Resolution No. 30—Relative to family relations.

[Filed with Secretary of State July 7, 1989]

WHEREAS, California statutory law is divided into numerous codes that deal with family relations matters, including the Civil Code, Welfare and Institutions Code, Probate Code, Health and Safety Code, Code of Civil Procedure, and Evidence Code; and

WHEREAS, California statutes relating to children and families have increased substantially over the past several years, but there has been no comprehensive review of state law as it relates to children and families; and

WHEREAS, Cases involving family relations matters are frequently adjudicated in multiple legal forums using numerous codes, and these codes are often inconsistent or contradictory in the application of evidentiary and procedural rules to the matter at hand involving a child victim; and

WHEREAS, California's laws regarding children and families are often contradictory and inappropriate, and as applied by a variety of court procedures and jurisdictions, state law causes unnecessary hardships to children and their families; and

WHEREAS, The California Child Victim Witness Judicial Advisory Committee has recommended that the Legislature conduct a careful review of all statutes relating to the civil adjudication of child and family relations matters and that legislation be enacted to establish a Family Relations Code, consolidating all civil child and family relations law; and

WHEREAS, A Family Relations Code would provide the legal framework for a Family Relations Division of the Superior Court, would allow for the legal integration of related actions involving one child or his or her family, and would streamline and improve judicial practices and procedures as they pertain to child victim witnesses as well as other child and family civil proceedings; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 8293 of the Government Code, the California Law Revision Commission shall conduct a review of all statutes relating to the adjudication of child and family civil proceedings, excluding proceedings initiated under Section 602 of the Welfare and Institutions Code, and make recommendations to the Legislature regarding the establishment of a Family Relations Code; and be it further

Resolved, That this review should highlight evidentiary and procedural provisions, including, in particular, as they relate to child victims; should include recommendations to amend statutes to ensure that appropriate information is exchanged among courts and

investigative and other agencies serving the courts; and should include recommendations to consolidate those code sections which are appropriate to consolidate, to reduce or eliminate redundancies where appropriate, to make various code sections and procedures consistent with each other where appropriate, to improve cross-references and the integration of related actions where appropriate, and to conform code sections where lack of conformity creates inappropriate inconsistencies; and be it further

Resolved, That the California Law Revision Commission shall commence this project giving it the same priority as the Administrative Law project and shall thereafter deliver its report to the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Law Revision Commission.

RESOLUTION CHAPTER 71

Senate Joint Resolution No. 15—Relative to Cal-Vet bonds.

[Filed with Secretary of State July 7, 1989]

WHEREAS, Some 3.3 million veterans currently reside in the State of California; and

WHEREAS, Making home and farm loans available to the state's veterans at a reasonable interest rate has been a state goal since the inception of the Veterans Farm and Home Building Fund of 1943; and

WHEREAS, The Veterans Farm and Home Building Fund of 1943, since its creation, has assisted countless thousands of veterans with financing for home and farm purchases; and

WHEREAS, Today, the median price of housing in many areas of California exceeds the \$90,000 maximum loan possible under the Cal-Vet program, making it difficult for many veterans to take advantage of the program to finance home and farm purchases; and

WHEREAS, The state is currently limited by federal law to issuing \$340 million in federally tax-exempt general obligation bonds each year to finance the Cal-Vet program; and

WHEREAS, Any effort to increase the maximum loan possible under the Cal-Vet program to better accommodate current housing costs would effectively reduce the total number of loans possible, based on the current federal restrictions on the tax-exempt status of general obligation bonds; and

WHEREAS, The state's goal of assisting veterans to purchase farms and homes would be enhanced if additional tax-exempt bonds could be made available each year to finance the Cal-Vet program; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California,

jointly, That the Legislature of the State of California respectfully memorializes the President to support and the Congress of the United States to enact legislation which would recognize that the Cal-Vet program contributes to an improved economy of California, and thus the nation, by encouraging home and farm purchases and promoting the construction industry and which would increase to \$500 million annually the level of state general obligation bonds for Cal-Vet loans for which tax-exempt status will be granted; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to each Senator on the Senate Armed Services and Veterans Committee, to each Representative on the House Armed Services Committee and the House Veterans Committee, and to the chairperson of each committee of the Senate and House of Representatives for consideration of this legislation.

RESOLUTION CHAPTER 72

Senate Concurrent Resolution No. 44—Relative to the Joint Legislative Budget Committee.

[Filed with Secretary of State July 7, 1989]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That, in addition to any money heretofore made available to the Joint Legislative Budget Committee, there is hereby transferred for support of that committee, pursuant to Provision 2 of Item 0130-021-001 of the Budget Act of 1989, the sum of three million six hundred forty thousand dollars (\$3,640,000), or so much thereof as may be necessary, from the Senate Contingent Fund, as provided by Provision 3 of Item 0110-001-001 of that act, and three million six hundred forty thousand dollars (\$3,640,000), or so much thereof as may be necessary, from the Assembly Contingent Fund, as provided by Provision 4 of Item 0120-011-001 of that act.

RESOLUTION CHAPTER 73

Senate Joint Resolution No. 8—Relative to Amtrak rail passenger service.

[Filed with Secretary of State July 12, 1989]

WHEREAS, Traffic congestion is a major problem, and has already reached a critical stage in many parts of California and the nation; and

WHEREAS, It is essential that the United States decrease its dependency on foreign oil; and

WHEREAS, Air pollution due to motor vehicle emissions is a continuing major environmental problem; and

WHEREAS, There are areas in this state and the nation where, at minimal additional cost, commuter rail service can easily be integrated with intercity rail passenger service operated by the National Railroad Passenger Corporation (Amtrak); and

WHEREAS, Combining intercity rail passenger service with commuter rail service can, in these times of stringent budgetary restrictions, reduce both the federal and state subsidies for Amtrak and the traffic congestion on our highways; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to include commuter service as a part of the National Railroad Passenger Corporation (Amtrak) rail passenger service in situations where commuter service will enhance rail ridership, especially where commuter service is compatible with and will complement intercity rail passenger service; and be it further

Resolved, That the Secretary of the Senate transact copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the chairperson of every congressional committee having jurisdiction over the operations of the National Railroad Passenger Corporation, and to the National Railroad Passenger Corporation.

RESOLUTION CHAPTER 74

Senate Joint Resolution No. 7—Relative to the federal census.

[Filed with Secretary of State July 17, 1989]

WHEREAS, It is the responsibility of the Bureau of the Census in the United States Department of Commerce to ensure that all segments of society are fairly and appropriately represented in the census figures which it collects; and

WHEREAS, One to 2 percent of the population is generally uncounted in each 10-year canvass; and

WHEREAS, There has been a tremendous influx into California of immigrants from Latin America and Southeast Asia over the past decade and it is important to ensure they are represented in census figures; and

WHEREAS, The minority populations of major metropolitan areas of the State of California are not adequately represented in the federal census; and

WHEREAS, Minority populations which are traditionally unrepresented or underrepresented in the census include the homeless, new imraigrants, persons of Hispanic origins, and the economically disadvantaged; and

WHEREAS, The census figures need to be adjusted to include those persons who have not been counted because of cultural, language, housing, and other social and economic barriers; and

WHEREAS, The inclusion of these traditionally undercounted groups in the federal census may result in the creation of a new congressional seat for, and a potential increase in federal moneys allocated to, the County of Los Angeles; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the Bureau of the Census and appropriate agencies to develop and implement a method of ensuring that these minority populations are included in the 1990 census figures; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Commerce, and to the director of the Bureau of the Census.

RESOLUTION CHAPTER 75

Senate Joint Resolution No. 20—Relative to medical care for veterans.

[Filed with Secretary of State July 17, 1989.]

WHEREAS, The United States Department of Veterans Affairs, formerly the Veterans' Administration, has recently announced a severe reduction in medical care provided to veterans through the various hospitals and other medical facilities operated by the department; and

WHEREAS, The department's medical center at Sepulveda, in the San Fernando Valley area of Los Angeles, has been, since its opening in 1955, one of the nation's superior facilities for the care and treatment of our veteran population; and

WHEREAS, The department is required to operate under a nationwide budgetary shortfall of approximately one billion dollars for the present fiscal year, and this has resulted in a reduction of approximately 3.2 million dollars for its Sepulveda medical center; and

WHEREAS, The inescapable fact of these budgetary constraints means that many essential services must be reduced and others eliminated entirely; and

WHEREAS, Among its cutbacks and eliminations, the Sepulveda medical center has announced its intention to close its 30-bed inpatient Substance Abuse Program; and

WHEREAS, This program has been essential to the recovery and well-being of a great many veterans, who are generally younger and victims of posttraumatic stress disorder caused by their service in Vietnam and, without this program, many of these veterans, who have sacrificed so much in the service of their country, will have no alternative to drug abuse and despair; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and Congress are respectfully memorialized to direct the Department of Veterans Affairs to reinstate the inpatient Substance Abuse Program at its Sepulveda medical facility; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Veterans Affairs.

RESOLUTION CHAPTER 76

Senate Joint Resolution No. 38—Relative to the desecration of the American Flag.

[Filed with Secretary of State July 21, 1989]

WHEREAS, The United States Supreme Court, in *Texas v. Johnson*, declared unconstitutional a state statute prohibiting the burning or other desecration of the American Flag; and

WHEREAS, For more than 200 years, the American Flag has occupied a unique position as the symbol of our nation; and

WHEREAS, At the time of the American Revolution, the flag served to unify the 13 colonies at home while obtaining recognition of national sovereignty abroad; and

WHEREAS, Hundreds of thousands of courageous Americans have given their lives in defense of the principles that the American Flag stands for; and

WHEREAS, The American Flag symbolizes the nation in peace as well as in war; and

WHEREAS, A country's flag is a symbol of more than nationhood and national unity; it signifies the ideals that characterize the society that has chosen that emblem, as well as the special history that has animated the growth and power of those ideals; and

WHEREAS, The American Flag is more than a proud symbol of the courage, the determination, and the gifts of nature that transformed 13 fledgling colonies into a world power; it is a symbol of freedom, of equal opportunity, of religious tolerance and of good will for other peoples who share our aspirations; and

WHEREAS, Sanctioning the public desecration of the flag will tarnish its value to an extent unjustified by the trivial burden on free expression occasioned by requiring that an available, alternative mode of expression—including uttering words critical of the flag—be employed; and

WHEREAS, The ideals of liberty and equality have been an irresistible force in motivating leaders like Patrick Henry, Susan B. Anthony, and Abraham Lincoln, schoolteachers, like Nathan Hale and Booker T. Washington, the Philippine Scouts who fought at Bataan, and the soldiers who scaled the bluff at Omaha Beach; and

WHEREAS, If those ideals are worth fighting for—and our history demonstrates that they are—it cannot be true that the flag that uniquely symbolizes their power is not itself worthy of protection from unnecessary desecration; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to each Senator and Representative in the Congress of the United States.

RESOLUTION CHAPTER 77

Assembly Joint Resolution No. 18—Relative to military base closures.

[Filed with Secretary of State July 26, 1989.]

WHEREAS, Pursuant to the Base Closure Act (P.L. 100-526), the Secretary of Defense has, in accordance with the recommendations of the Commission on Base Realignment and Closure, ordered the termination of activities at and the disposal of many military installations around the country; and

WHEREAS, Many of these reductions and closures will result in great hardship for retired military personnel who have purposely settled near military installations in order to be close to the medical facilities located on base; and

WHEREAS, In California, the Presidio in San Francisco, which includes Letterman Army General Hospital, and Mather Air Force

Base in Sacramento, which includes Mather Hospital, are both scheduled for closure; and

WHEREAS, To help alleviate the hardship to retired military personnel occasioned by these base closures, the operation of those hospital facilities could be transferred to the federal Department of Veterans Affairs in order to accommodate those retirees who will be without accessible medical care; and

WHEREAS, In the alternative, where there is an active military installation located in the vicinity of the military installation scheduled for closure, such as is the case with McClellan Air Force Base in Sacramento and Oak Knoll Naval Hospital in San Francisco, the operation of the hospital facilities at the installation scheduled to be closed could be transferred to that nearby military installation in order to continue their services; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress to transfer the operation of hospital facilities at military installations scheduled for closure to the federal Department of Veterans Affairs or, in the alternative, where there is an active military installation, such as McClellan Air Force Base in Sacramento and Oak Knoll Naval Hospital in San Francisco, located in the vicinity of the installation scheduled for closure, to transfer the operation of the hospital facilities to that nearby military installation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representative, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense, and to the Secretary of Veterans Affairs.

RESOLUTION CHAPTER 78

Assembly Joint Resolution No. 21—Relative to Southeast Asian émigrés.

[Filed with Secretary of State July 26, 1989.]

WHEREAS, The State of California has the largest population of Vietnamese refugees who have sought resettlement in the United States; and

WHEREAS, The United States Department of the Army, Amnesty International, and the State of California have concluded that millions of people from the Southeast Asian countries of Cambodia, Vietnam, and Laos have been killed seeking freedom; and

WHEREAS, The policy of the United States has been to be compassionate toward freedom-seeking refugees from dictatorships

and repressive governments; and

WHEREAS, The State Department has moved to change this policy by cutting the quotas for immigration from the Asian countries of Vietnam, Laos, and Cambodia by 6,000 and increasing the quotas for immigration from the Soviet Union by that same amount; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reconsider the proposed quota reductions for Southeast Asian émigrés; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Secretary of State, the Chair of the Senate Foreign Relations Committee, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 79

Assembly Joint Resolution No 41—Relative to the 1990 census.

[Filed with Secretary of State July 26, 1989]

WHEREAS, The purpose of the United State Census is to count the population of the United States; and

WHEREAS, The California census undercount in 1980 was estimated to be as high as 3 percent, or twice the national average; and

WHEREAS, California's population in 1990 is projected to increase by 23 percent from that of 1980; and

WHEREAS, Since 1980, California's population has increased by more than 2 million residents through net immigration; and

WHEREAS, Racial and ethnic minorities are most frequently undercounted, and 48 percent of California's population is comprised of racial and ethnic minorities; and

WHEREAS, In 1980, California had the largest Hispanic population in the United States, totaling 4.5 million residents and comprising 19 percent of the total state population; and

WHEREAS, California's Hispanic population will have increased by more than 45 percent by 1990; and

WHEREAS, Based on the estimate by the United States Bureau of the Census that 5.9 percent of the Hispanic population nationally was undercounted in 1980, a total of 268,000 Hispanic residents of California were overlooked in that census; and

WHEREAS, It is estimated that every uncouncted individual costs the State of California \$53.58 annually, so that the Hispanic

undercount in 1980 cost the state approximately \$14 million annually and over \$140 million during a 10-year period since 1980; and

WHEREAS, The census data will determine much of the entitlement for community services for the next 10 years; and

WHEREAS, The inclusion of otherwise uncouned residents in the census would invariably increase the federal entitlement total for California and its counties, primarily those with large Hispanic populations; and

WHEREAS, There is danger that the suspicion and fear created by Immigration and Naturalization Service raids for undocumented workers may cause an unknown number of Hispanic residents to refuse participation in any government-sponsored questionnaire, such as the 1990 census, resulting in a continued undercount of California Hispanic residents; and

WHEREAS, To encourage maximum participation in the 1990 census it is necessary that members of California's Hispanic population feel confident that information gathered for the census is not connected with, or will be used by, the Immigration and Naturalization Service, and that no raids for undocumented workers will be conducted by the Immigration and Naturalization Service from January 1, 1990, until census onsite visits are terminated; and

WHEREAS, Census day is April 1, 1990, and enumerators will continue to make onsite visits through July 31, 1990; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the President and the Attorney General of the United States to direct the Commissioner of the Immigration and Naturalization Service to implement a moratorium on any searches, raids, or sweeps for undocumented workers commencing on January 1, 1990, and ending on July 31, 1990, so as to encourage maximum participation by the Hispanic community and other minority communities in the 1990 census count; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the United States Attorney General, to the Commissioner of the Immigration and Naturalization Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 80

Assembly Joint Resolution No. 46—Relative to the Refugee Act of 1980.

[Filed with Secretary of State July 26, 1989]

WHEREAS, California is home to about one-half million refugees from throughout the world, including Southeast Asia, Eastern Europe, the Near East, and the Soviet Union; and

WHEREAS, Refugees contribute to the nation's and state's cultural diversity and economic growth, in particular in the fields of business, technology, medicine, and education, after making the social and economic adjustments necessary to start a new life; and

WHEREAS, The Refugee Act of 1980 (P.L. 96-212), recognized the need for refugee transition, and set out a carefully crafted federal and state partnership for assisting new arrival refugees, including full federal reimbursement for 36 months from the refugee's date of entry, after which state and local governments assist with long-term integration; and

WHEREAS, The foundation of the Refugee Act's partnership has eroded during recent years with the decline in refugee assistance, despite increasing admissions, thereby shifting more costs to state and local governments; and

WHEREAS, The proposed 1990 federal Budget would reduce the reimbursement period to 15 months from the refugee's date of entry, shift one hundred forty million dollars (\$140,000,000) in costs to the states, seventy-five million dollars (\$75,000,000) to California alone, and eliminate the Targeted Assistance Program operated under the act; and

WHEREAS, The international refugee situation and the presence of persons in the United States seeking asylum has prompted proposals for the use of alternative categories for admissions of those for whom federal refugee domestic assistance is needed; and

WHEREAS, Admissions should be fully supported by funding appropriated for that purpose; and

WHEREAS, Reprogramming funds from refugee and immigrant programs pits one group against another and undermines a viable refugee program; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to reauthorize the Refugee Act of 1980 in a timely manner; and be it further

Resolved, That the United States Department of State should admit persons fleeing persecution in their homelands as refugees pursuant to the Refugee Act of 1980 rather than as parolees or under other immigrant status; and be it further

Resolved, That the refugee assistance appropriation in the 1990 federal Budget should reflect increased admissions and reimbursement for 36 months from the refugee's date of entry as negotiated in the Refugee Act of 1980; and be it further

Resolved, That the reauthorization of the act should provide for a continuation of the Targeted Assistance Program; and be it further

Resolved, That the reauthorization of the act should provide for effective consultation mechanisms, both to ensure government flexibility in responding to emergency situations, and to ensure adequate processing and domestic assistance for newly admitted refugees; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Secretary of State of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 81

Assembly Joint Resolution No. 55—Relative to the burning or desecration of the American Flag.

[Filed with Secretary of State July 26, 1989]

WHEREAS, Although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

WHEREAS, Certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

WHEREAS, There are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor, and

WHEREAS, The American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

WHEREAS, In the War of 1812 the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

WHEREAS, In the Civil War the American Flag symbolized the vision of those patriots who fought and died for a single union, one and inseparable, where human beings could not be bought and sold; and

WHEREAS, In the Second World War the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop on Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of

Hitler's Germany; and

WHEREAS, The American Flag symbolizes the ideals for which good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

WHEREAS, The American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

WHEREAS, The American Flag was carried forth to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

WHEREAS, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

WHEREAS, The law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

WHEREAS, It is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That the Secretary of State transmit copies of this resolution to each Senator and Representative in the Congress of the United States.

RESOLUTION CHAPTER 82

Assembly Concurrent Resolution No. 59—Relative to Medical Record Week.

[Filed with Secretary of State July 26, 1989]

WHEREAS, Quality health care is one of the most important areas of concern for all Californians; and

WHEREAS, Medical record technology is one of the allied health sciences which plays a vital role in the availability of quality health care in California; and

WHEREAS, Health information practitioners take great pride in

providing quality health care through their conscientious maintenance of extensive and increasingly complex medical record and information systems; and

WHEREAS, It is fitting that all Californians pay tribute to the significant contributions of health information practitioners and the role they play in enhancing our way of life; and

WHEREAS, The California Medical Record Association will be observing October 8 to 14, 1989, as Medical Record Week; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature recognize the important role that the members of the California Medical Record Association play in the health care system and the lives of our citizens; and be it further

Resolved, That the Legislature designates October 8 to 14, 1989, as Medical Record Week.

RESOLUTION CHAPTER 83

Senate Concurrent Resolution No. 23—Relative to the Board of Corrections.

[Filed with Secretary of State July 26, 1989]

WHEREAS, Hippocrates observed a causal connection between childbirth and mental illness 2,300 years ago; and

WHEREAS, In 1858, Louis V. Marce, a French physician, detailed the identifiable signs and symptoms of postpartum psychosis; and

WHEREAS, The Parliament of Great Britain recognized the illness affecting new mothers and addressed it in their criminal statutes in 1922; and

WHEREAS, The terminology for psychiatric illness after childbearing is in a state of flux, and the present official American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" (DSM-III) suggests several terminology alternatives, including "atypical psychosis," the use of "postpartum psychosis" in this resolution follows a common usage of the term among many psychiatrists and many individuals in the general population; and

WHEREAS, Some new mothers suffering from postpartum psychosis do not receive appropriate treatment due to inadequate education of health care providers; and

WHEREAS, Postpartum psychosis may gravely impair a woman's thoughts and behavior because the symptoms of postpartum psychosis include confusion, delusions, and hallucinations; and

WHEREAS, There is growing recognition of the illness and the tragedies that can ensue when the illness is left untreated; and

WHEREAS, It is critical that the woman suffering from postpartum psychosis receives immediate medical evaluation in order to provide appropriate medical treatment and to prevent further injury to herself or to others; and

WHEREAS, The woman suffering from postpartum psychosis who is not immediately evaluated for postpartum psychosis may not receive appropriate treatment; and

WHEREAS, Because of the nature of postpartum psychosis, the lack of an immediate medical evaluation may make important evidence unavailable; and

WHEREAS, A task force consisting of representatives of law enforcement, prosecutors, health researchers, and psychiatric care providers has studied violent crimes of new mothers, including infanticides; and

WHEREAS, Existing law provides for special consideration and treatment of persons with certain mental illnesses; and

WHEREAS, Title 15 of the California Code of Regulations addresses the processing of persons detained in custody and is the appropriate regulatory mechanism for recommending the proper treatment of a woman suffering from postpartum psychosis who has been charged with a crime; and

WHEREAS, The task force has developed a simple assessment device for the presumptive identification of women suffering from postpartum psychosis; and

WHEREAS, The assessment device will assist the criminal justice system in determining appropriate custody, and assuring appropriate adjudication and treatment; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests that the Board of Corrections adopt regulations amending Title 15 of the California Code of Regulations to include a procedure for assessing the mental status of women who have recently given birth and who are charged with serious crimes, especially infanticide; and be it further

Resolved, That a law enforcement officer or designee who makes such an assessment do so pursuant to those regulations and within 24 hours after an arrest; and be it further

Resolved, That when an assessment indicates that a woman may suffer from postpartum psychosis, the woman should be referred to an appropriate mental health facility for further evaluation; and be it further

Resolved, That the Legislature requests that the University of California conduct research to define more fully the illness and facilitate understanding of the phenomena, and its causes, effects, and treatments; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor of California, the Board of Corrections, the American Psychiatric Association, and the Regents of the University of California.

RESOLUTION CHAPTER 84

Senate Concurrent Resolution No. 25—Relative to the Charles William Carpenter Memorial Bridge.

[Filed with Secretary of State July 26, 1989]

WHEREAS, On the morning of July 13, 1928, while attempting to arrest three robbery suspects fleeing from Willow Creek, in Humboldt County, Trinity County Deputy Charles William Carpenter was killed in the line of duty and his partner, Deputy Oscar Hayward, was seriously wounded; and

WHEREAS, Deputy Charles William Carpenter was a life long resident of Trinity County and always gave his best in an honest effort to make his community a better place in which to live; and

WHEREAS, In his younger days, he carried the mail by horseback throughout Trinity County and parts of Humboldt County and was also an expert packer for the Brizzard Company, being considered among the best in the county when that mode of transportation was universal in that area; and

WHEREAS, This experience especially fitted him as an officer of the law, and, combined with his high regard for public duty, he left behind a record of five years of unerring execution of the duties of a trusted officer of Trinity County; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the bridge presently under construction over the Trinity River on State Highway Route 299 in Trinity County approximately four miles from the Humboldt County line is hereby officially designated the Charles William Carpenter Memorial Bridge; and be it further

Resolved, That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation

RESOLUTION CHAPTER 85

Senate Concurrent Resolution No. 34—Relative to veterans in state service.

[Filed with Secretary of State July 26, 1989]

WHEREAS, The State of California recognizes and appreciates the sacrifices made by its men and women who served in the armed forces throughout the world in the defense of the nation and the preservation of freedom; and

WHEREAS, Many veterans in California have entered state service and employment in California schools following their military service and have become career civil servants; and

WHEREAS, The time spent on active duty in the armed forces by these persons has reduced the span of their working careers and thus reduces their retirement benefits; and

WHEREAS, State members of the Public Employees' Retirement System (PERS) have been authorized to purchase retirement service credit for their preemployment military service, up to a maximum of four years; and

WHEREAS, Only a hundred out of all the eligible military veterans have taken advantage of the benefit due to its exorbitant costs; and

WHEREAS, A more equitable system could be created if program data could be collected on the cost to the state and the exact number of state employees who would be eligible to receive this benefit; and

WHEREAS, Pursuant to Resolution Chapter 70 of the Statutes of 1981, the Public Employees' Retirement System completed a study to determine eligibility and costs involved; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Public Employees' Retirement System is hereby requested to update and expand that study, and be it further

Resolved, That PERS report the results of this study, together with its recommendations, to both the Senate Committee on Public Employment and Retirement and the Assembly Committee on Public Employees, Retirement, and Social Security; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Board of Administration of the Public Employees' Retirement System.

RESOLUTION CHAPTER 86

Senate Concurrent Resolution No. 37—Relative to the “California Year of Human Rights.”

[Filed with Secretary of State July 26, 1989]

WHEREAS, December 10 marks the anniversary of the Universal Declaration of Human Rights as proclaimed by the General Assembly of the United Nations in 1948, a document which has been endorsed by the United States of America on innumerable occasions; and

WHEREAS, The Universal Declaration of Human Rights expresses our deepest beliefs about the rights with which every person is born, and which no government is entitled to deny; and

WHEREAS, The Universal Declaration of Human Rights has become the keystone of the United Nations effort to promote and protect human rights around the world; and

WHEREAS, According to the declaration, "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world"; and

WHEREAS, The principles of the declaration are in accord with the principles of freedom, justice, democracy, peace, and prosperity upon which our state and nation are founded, and we seek to uphold these principles in our laws; and

WHEREAS, The State of California strives to help fulfill the human potential of each of its citizens, yet there is still human suffering and alienation of people from their birth rights here and around the world; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature designates the year 1990 as "The California Year of Human Rights"; and be it further

Resolved, That December 10, 1989, be designated "Human Rights Day"; and be it further

Resolved, That all citizens be encouraged to participate in programs and activities designed to increase the understanding and affirmation of human rights as set forth in the Universal Declaration of Human Rights and to develop ideas to help ensure the full realization of the rights of each individual; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the United Nations International Commission on Human Rights.

RESOLUTION CHAPTER 87

Senate Concurrent Resolution No. 39—Relative to Department of Justice training.

[Filed with Secretary of State July 26, 1989]

WHEREAS, Certain mental illnesses have been shown to be related to recent childbirth and are commonly referred to as postpartum psychosis; and

WHEREAS, Postpartum psychosis is not a new illness and has been documented throughout history, being first recognized by Hippocrates 2,300 years ago; and

WHEREAS, The Parliament of Great Britain recognized the existence of the illness which affects new mothers and addressed it

in their criminal statutes in 1922; and

WHEREAS, Postpartum psychosis may gravely impair a woman's thoughts and behavior because the symptoms of postpartum psychosis include confusion, delusions, and hallucinations; and

WHEREAS, There is growing recognition of the illness and the tragedies that can ensue when the illness is left untreated; and

WHEREAS, A task force consisting of representatives of law enforcement, prosecutors, health researchers, and psychiatric care providers has studied violent crimes of new mothers, including infanticides; and

WHEREAS, Peace officers are often the first individuals to come into contact with women who may be suffering from postpartum psychosis and have committed a crime; and

WHEREAS, Existing law provides for special consideration and treatment of persons with certain mental illnesses; and

WHEREAS, The Legislature has enacted Section 13519.2 of the Penal Code which requires adequate instruction in the handling of persons with developmental disabilities or mental illness, or both, in the basic training course for peace officers; and

WHEREAS, Chapter 2 (commencing with Section 1001) of Title 11 of the California Code of Regulations addresses the basic training courses for peace officers, which is incorporated into Sections D-1-3 of the Peace Officer Standards and Training Administrative Manual; and

WHEREAS, The actual basic training course descriptions and goals are found in the PERFORMANCE OBJECTIVES FOR THE POST BASIC COURSE; and

WHEREAS, In compliance with Section 13519.2 of the Penal Code, the Commission on Peace Officer Standards and Training is considering amendments to its PERFORMANCE OBJECTIVES FOR THE POST BASIC COURSE to include training regarding procedures for dealing with the developmentally disabled and the mentally ill; and

WHEREAS, The PERFORMANCE OBJECTIVES FOR THE POST BASIC COURSE is also the appropriate vehicle for including training of law enforcement officers in recognizing and handling women who may be suffering from postpartum psychosis; and

WHEREAS, A peace officer's familiarity with the signs of postpartum psychosis, will expedite assessment and appropriate treatment for a woman who may be suffering from this illness; and

WHEREAS, Such recognition by a peace officer will assist the criminal justice system in determining appropriate custody, and assuring appropriate adjudication and treatment; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Commission on Peace Officer Standards and Training is requested to adopt standards in their PERFORMANCE OBJECTIVES FOR THE POST BASIC COURSE, based on its authority pursuant to Section 13519.2 of the Penal Code,

to include training on the recognition and handling of women possibly suffering from postpartum psychosis; and be it further

Resolved, That the course of instruction relating to the handling of women suffering from postpartum psychosis shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in this area; and be it further

Resolved, That in addition to providing instruction on the handling of these women, the course also shall include information on the nature of postpartum psychosis, as well as the community resources available to serve women suffering from postpartum psychosis; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor of California, the American Psychiatric Association, and the Commission on Peace Officers Standards and Training.

RESOLUTION CHAPTER 88

Senate Joint Resolution No. 27—Relative to the operation and maintenance of low-use harbors and marinas.

[Filed with Secretary of State July 26, 1989]

WHEREAS The Army Corps of Engineers has announced a reduction in funding for the dredging and maintenance of low-use harbors and marinas which land less than 25,000 tons of fish; and

WHEREAS This reduction will require state and local governments to contribute substantial funds to dredge and maintain harbors throughout the state, an estimated annual amount of at least \$8,000,000 in California; and

WHEREAS, Failure to fund these essential dredging and maintenance operations could close the entire commercial fishing industry in California, particularly in light of the efforts of the Department of Fish and Game to reduce the quantity of certain fish being taken and thereby replenishing the resource; and

WHEREAS, A continuance of the essential dredging and maintenance activities conducted by the Army Corps of Engineers for California's harbors and marinas is vital to the welfare of all of California's maritime-related industries; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California urges the United States Army Corps of Engineers to reevaluate its proposed reduction in funding for the dredging and maintenance of low-use harbors and marinas, and to consider as its first alternative a proportionate reduction of the funding for the dredging and maintenance of all harbors and marinas; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Army, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 89

Senate Joint Resolution No. 31—Relative to agriculture.

[Filed with Secretary of State July 26, 1989]

WHEREAS, Congress is considering legislation relating to crop subsidy and deficiency payments; and

WHEREAS, The 1988 estimates of the Agricultural Stabilization and Conservation Service indicate that 53.3 million acres were taken out of production in the United States, and 3,084,714 acres were enrolled in California resulting in payments in excess of \$285,560,000; and

WHEREAS, Farmers may participate under current law in a conservation or set-aside farming program in which a portion of a farmer's base acreage, which is based on farming history, is removed from production for which a subsidy is received; and

WHEREAS, The farm conservation or set-aside farming program under current law includes no provision for growing rotation crops on the set-aside ground; and

WHEREAS, Emerging technology exists which demonstrate the potential for farmers to farm crops dedicated to producing alcohol for the production of ethanol or biomass as fuel for electrical production; and

WHEREAS, A 25 percent reduction in carbon monoxide can be demonstrated by substituting 10 percent ethanol in unleaded gasoline; and

WHEREAS, The production of electricity from renewable plant resources limits the need for increased usage of nonrenewable carbon monoxide-producing fossil fuels; and

WHEREAS, Growing plants on formerly plowed "down acreage" increases the number of plants taking in carbon dioxide and giving off oxygen through photosynthesis, thus creating a natural carbon filter effect and providing a net decrease in the collective contribution to the greenhouse effect; and

WHEREAS, Scientists in the United States have developed effective and competitive biomass systems and related technologies which could impact favorably on the balance of trade problems facing this country, now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully

memorializes the Congress of the United States to enact legislation which permits farmers who are enrolled in government set-aside programs to grow rotation crops dedicated as feedstock for conversion to fuel sources on displaced base acreage, and which provides the following:

(1) The acreage dedicated to a fuel rotation crop is not deducted from the base acreage of a farmer's program crop in the farm conservation and set-aside program administered by the Department of Agriculture.

(2) Farmers who plant "fuel rotation crops" market these crops solely as fuel crops.

(3) Farmers maintain displaced base acreage as a part of family farming history and do not receive any other form of governmental subsidy for this acreage; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Agriculture, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 90

Assembly Concurrent Resolution No. 65—Relative to Meet Your Judges Week.

[Filed with Secretary of State August 23, 1989]

WHEREAS, The people of the State of California are entitled to have access to a judicial process that ensures fair and equal treatment for those participating; and

WHEREAS, Understanding of court operations, and respect for our system of justice are central to our democratic society; and

WHEREAS, The demystification of the workings of the courts in our communities and of the role of judges in our court system will help to ensure access to justice for the people and respect of the people for the judicial branch of government; and

WHEREAS, Judges who understand the perceptions and concerns of the citizenry regarding local court operations will be better able to fulfill their responsibilities; and

WHEREAS, The California Judges Association, the California Young Lawyers Association of the State Bar of California, and the educational community have committed their efforts to the planning and implementation of Meet Your Judges Week, March 4th through 10th, 1990, for the purpose of increasing communication between residents of local communities throughout the state and their judges; and

WHEREAS, During Meet Your Judges Week, community forums

will be held in local jurisdictions throughout the state to enable students, parents, and the general public to meet with their local judges and learn about the role of judges in the legal system; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby commends participating judges, attorneys, and educators for their efforts to demystify the judicial process; and be it further

Resolved, That the Legislature urges the people of California to participate in Meet Your Judges Week during the week of March 4th through 10th, 1990; and be it further

Resolved, That presiding judges, superior and municipal, and other judges be strongly urged to participate in community outreach programs during that week; and be it further

Resolved, That all presiding judges, superior and municipal, be urged to report to the Legislature no later than July 1, 1990, on actions undertaken during this week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Judges Association, the California Young Lawyers Association of the State Bar of California, and to the Superintendent of Public Instruction.

RESOLUTION CHAPTER 91

Assembly Joint Resolution No. 16—Relative to a national uniform poll closing schedule.

[Filed with Secretary of State August 29, 1989]

WHEREAS, State law requires that the polls be open at 7 a.m. on election day and that they be kept open for voting until 8 p.m.; and

WHEREAS, In the years in which presidential elections are held, California voters, because of this state's geographic location, usually are still voting or have not yet voted while the polls in other states have already closed; and

WHEREAS, The lack of a national uniform time schedule for voting at presidential elections, combined with the release of voting results in other states and election projections made by national television networks, gives rise to the perception that Californians engage in an insignificant voting exercise at this important national election; and

WHEREAS, Fundamental democratic values require that action be taken to avoid the apparent or actual disenfranchisement of millions of citizens at presidential elections, and to ensure that the electorate of California, the largest and most populous state in the Union, participates meaningfully in the election of the national leadership; and

WHEREAS, The establishment of a national time schedule at which the polls in the several states uniformly are closed for voting no earlier than 8 p.m. in the Pacific time zone would permit California to significantly participate, and would permit California voters to cast more meaningful votes, in the election of the President of the United States; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact appropriate legislation to establish a national time schedule for the uniform closing of the polls no earlier than 8 p.m. in the Pacific time zone in the several states for voting at presidential elections; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 92

Assembly Concurrent Resolution No. 37—Relative to the inclusion of the Japanese-American internment experience in textbooks.

[Filed with Secretary of State August 29, 1989]

WHEREAS, Over 110,000 Japanese-Americans were unjustly interned in concentration camps during World War II; and

WHEREAS, The United States government wrongfully rationalized the internment on the grounds of national security and military necessity; and

WHEREAS, The findings of the federal Commission on Wartime Relocations and Internment of Civilians found that the internment “was not justified by military necessity and the decisions which followed from it—detention, ending detention, and ending exclusion—were not driven by analysis of military conditions. The broad historical causes which shaped these decisions were race prejudice, war hysteria, and a failure of political leadership”; and

WHEREAS, In October 1983, a Federal District Court in San Francisco reversed Fred Korematsu’s 40 year-old conviction for defying the government evacuation and internment orders of 1942; and

WHEREAS, In 1987, Gordon Hirabayashi had his 1942 curfew conviction vacated by the United States Court of Appeals in San Francisco which agreed that the internment was not a military necessity; and

WHEREAS, The Civil Liberties Act of 1988 (Pub. L. No. 100-383) which was signed into law by President Ronald Reagan states that the

United States apologizes for the evacuation, relocation, and internment of the Japanese-Americans; and

WHEREAS, The current textbooks used by California's public school students do not accurately portray the internment experience as a violation of human rights; and

WHEREAS, An accurate portrayal of the internment experience should include a discussion of the commission's findings, the court decisions, and the signing of the Civil Liberties Act of 1988; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the state and school districts are urged to adopt instructional materials that reflect, in appropriate subject matter fields, accurate and objective versions of the Japanese-American internment experience as a violation of human rights, rather than as an act of military necessity; and be it further

Resolved, That copies of this resolution be transmitted to the Superintendent of Public Instruction and the State Board of Education; and be it further

Resolved, That the Superintendent of Public Instruction be requested to notify superintendents of school districts, county offices of education, and those textbook publishers who have provided, or who are interested in providing, instructional materials to the schools of this resolution

RESOLUTION CHAPTER 93

Assembly Concurrent Resolution No. 5—Relative to California Women in Sports Day.

[Filed with Secretary of State September 1, 1989]

WHEREAS, Girls and women throughout the ages have participated in a variety of sports and games in school, community, and club programs; and

WHEREAS, Many female athletes have distinguished themselves as representatives of California and the nation in the Olympic Games; and

WHEREAS, Participation in sport is acknowledged as a positive force in developing physical fitness and in maintaining a healthy lifestyle; and

WHEREAS, The bonds built between women through athletics help break down the social barriers of racism and prejudice; and

WHEREAS, The interest in sports participation by females in California interscholastic and intercollegiate athletic programs has significantly increased in recent years; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Legislature encourages the

recognition of female athletes, coaches, officials, and sports administrators for their important contributions in promoting the value of sports in the achievement of full human potential; and be it further

Resolved, That February 4 of each year be declared "California Women in Sports Day"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Association for Health, Physical Education, Recreation, and Dance for distribution to interested parties.

RESOLUTION CHAPTER 94

Assembly Concurrent Resolution No. 71—Relative to California 4-H Week.

[Filed with Secretary of State September 1, 1989]

WHEREAS, The 4-H Program has strongly served the youth of California since 1914 and has nearly 100,000 active participants this year alone; and

WHEREAS The 4-H Program provides the young people in our communities valuable skills and character traits, such as self-reliance, confidence, responsibility, and leadership, that will last an entire lifetime; and

WHEREAS, The 4-H Program was traditionally focused on work in agriculture and home economics, and now incorporates other crafts and studies such as rocketry, wood science, computer science, marine science, cycling, skiing, food preservation, and citizenship practices; and

WHEREAS, The 4-H Program parents, teachers, and community leaders have all joined in to share their interest and expertise in guiding the youth who participate; and

WHEREAS, The University of California through its Cooperative Extension Program has been promoting 4-H activities and has provided a link between California rural and urban areas; and

WHEREAS, The public should be made aware of the invaluable contribution that the 4-H Program has given; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of September 5 through September 8, 1989, is proclaimed to be "California 4-H Week" in recognition of the 75th anniversary of 4-H; and be it further

Resolved, That the Chief Clerk of the Assembly and the Chief Clerk of the Senate transmit copies of this resolution to the Governor.

RESOLUTION CHAPTER 95

Assembly Joint Resolution No. 9—Relative to the federal minimum wage.

[Filed with Secretary of State September 1, 1989.]

WHEREAS, The federal minimum wage of \$3.35 per hour has been in effect since January 1, 1981, and in those eight years the federal minimum wage level has fallen far behind the rate of change in the average wage of workers, contrary to the stated intent of Congress; and

WHEREAS, The purchasing power of the federal minimum wage has fallen to its lowest level since 1955 with today's minimum wage equaling only \$2.46 per hour in inflation-adjusted 1981 dollars; and

WHEREAS, A full-time worker paid the federal minimum wage would earn only \$6,700 per year (at 40 hours a week for 50 weeks), an amount that is \$2,500 a year less than what it takes to support a family of three at the official poverty level; and

WHEREAS, The overwhelming percentage of people earning wages at or around the federal minimum are adults, nearly half of whom are heads of households; and

WHEREAS, Federal action to increase the national minimum wage floor would greatly decrease the disparity of minimum wage levels among the various states; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take immediate steps to raise the federal minimum wage level to a level not lower than that recently adopted in California and to a level sufficient to restore the lost purchasing power of the federal minimum wage; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative in the Congress of the United States, and to the Secretary of Labor.

RESOLUTION CHAPTER 96

Assembly Joint Resolution No. 23—Relative to highway safety roadside rests.

[Filed with Secretary of State September 1, 1989]

WHEREAS, Safety roadside rests along interstate and other major highways provide needed and welcome facilities for travelers, affording rest rooms, water, and a break from tedious and often dangerous highway motoring; and

WHEREAS, The development of commercial facilities at these safety roadside rests, if travel-related and compatible with the primary purpose of the roadside rests, would not only permit them to better serve the traveling public but would also serve as a deterrence to crime, which frequently occurs at unattended facilities; and

WHEREAS, Federal law generally prohibits commercial developments, including restaurants and other travel-related facilities, at highway safety roadside rests; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress to support and enact legislation permitting the development of appropriate commercial ventures at highway safety roadside rests, including food and fuel service but excluding the sale of alcoholic beverages, and that the maintenance and operation of these roadside rests be funded by revenues generated by these commercial ventures; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 97

Assembly Joint Resolution No. 26—Relative to federal income taxation.

[Filed with Secretary of State September 1, 1989]

WHEREAS, Travel on California's roads and highways is increasing at an alarming rate, thereby causing accidents, traffic snarls, pollution, and related problems; and

WHEREAS, Legislation has been introduced in California that would provide income tax incentives to employers and employees to encourage ridesharing and use of public transit; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation amending the Internal Revenue Code to provide incentives to employers and employees to encourage ridesharing and the use of public transit; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the

United States.

RESOLUTION CHAPTER 98

Assembly Joint Resolution No. 44—Relative to oil spills.

[Filed with Secretary of State September 1, 1989]

WHEREAS, The Exxon Valdez oil spill has established that oil cleanup preparedness, equipment, and technology are totally inadequate; and

WHEREAS, The tanker Exxon Valdez was carrying 1.2 million barrels of oil that had been shipped by pipeline from Alaska's North Slope to the port City of Valdez when it strayed out of normal, easily navigable, sea lanes on March 24, 1989, and ran aground at Bligh Reef in Prince William Sound; and

WHEREAS, The Exxon Valdez punctured 10 of its 15 oil compartments, spilling 240,000 barrels, or approximately 10.1 million gallons of oil; and

WHEREAS, The resulting oil slick is over one foot deep and over several hundred feet wide in some areas, contaminating some 800 miles of beach to date; and

WHEREAS, Alaska officials have indefinitely closed the fishing season for herring roe, shrimp, and sablefish; and

WHEREAS, The Exxon Valdez oil spill represents North America's worst oil spill; and

WHEREAS, The Alyeska Pipeline Service Company, the oil industry consortium which owns the Trans-Alaska Pipeline, decided in 1981 to disband its 20-member emergency team prepared for "round-the-clock" response to oil spills in Valdez Harbor and Prince William Sound; and

WHEREAS, The oil consortium allowed maintenance to lapse on equipment critical to dealing with a spill, even refusing an offer from the town to store cleanup equipment; and

WHEREAS, Reports and environmental studies in Alaska dating back almost 20 years, predicted that a major oil spill was so unlikely that planning for one would be unnecessary; and

WHEREAS, In 1971, the likelihood for a spill in Prince William Sound involving more than 70,000 barrels was deemed "minute"; and

WHEREAS, The potential for human error will always exist in a shipping operation where huge amounts of oil are being produced and transported through a hostile environment, making the possibility of a catastrophic oil spill much more likely, and requiring that the greatest care be given to emergency response preparation; and

WHEREAS, The potential for such a major spill exists during oil shipment or exploration or production drilling; and

WHEREAS, The recent oil spill catastrophe has proven that the likelihood of a major oil spill due to negligence or other causes is much greater than was predicted; and

WHEREAS, The resulting contamination of fish of all types harvested from the area has a devastating impact on all fish producers from the affected area; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States and the Department of the Interior to take immediate action to improve ocean and coastal waters oil spill cleanup capabilities and to demonstrate to the full satisfaction of the lead oil spill agency and fish and wildlife agencies of each affected state that all the equipment and supplies necessary for an oil spill cleanup, based on a "worst case" scenario concerning weather and amount spilled, are in place at each designated risk location; and be it further

Resolved, That the appropriate federal agencies test the cleanup equipment for readiness at least on an annual basis prior to the start of any exploratory oil drilling and throughout any period of oil drilling or shipping of oil; and be it further

Resolved, That the United States Coast Guard prepare comprehensive cleanup plans in anticipation of a "worst case" oil spill scenario concerning weather and amount spilled and coordinate those plans with the appropriate lead oil spill agency and fish and wildlife agencies in each affected state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, to the Secretary of the Interior, to the Commandant of the United States Coast Guard, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 99

Senate Concurrent Resolution No. 16—Relative to schoolage community child care services.

[Filed with Secretary of State September 1, 1989]

WHEREAS, Ten percent of California's public school pupils receive special education services; and

WHEREAS, The parents of children who are individuals with exceptional needs must have access to gainful employment in order to provide for their families; and

WHEREAS, Equal access to child care services for all children, regardless of physical or mental ability or emotional health, is critical to the ability of parents to provide for their families; and

WHEREAS, Equal access to child care services reflects basic civil rights law; and

WHEREAS, State law specifically directs that all contractors under the School-Age Community Child Care Services program, set forth in Article 22 (commencing with Section 8460) of Chapter 2 of Part 6 of the Education Code, shall include, at a minimum, a base percentage of children who are individuals with exceptional needs in their programs; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Superintendent of Public Instruction is requested to promote and assure compliance with the requirements of the School-Age Community Child Care Services program by informing all special education units in elementary and secondary school districts and county offices of education regarding the enrollment of children who are individuals with exceptional needs in these programs, and by directing that the Child Development Division of the State Department of Education enforce these requirements by monitoring the compliance of all contractors operating these programs; and be it further

Resolved, That the Superintendent of Public Instruction shall include a report on the implementation of the requirements of this measure in the legislative report required by Section 8280 of the Education Code; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Superintendent of Public Instruction.

RESOLUTION CHAPTER 100

Senate Concurrent Resolution No. 17—Relative to oak woodlands.

[Filed with Secretary of State September 1, 1989.]

WHEREAS, California's oak trees are part of the definition of the state's landscape: golden hills dotted with deep green trees; and

WHEREAS, California's oak woodlands provide forage for livestock, habitat for hundreds of species of wildlife, and visual enjoyment to residents and visitors to the state; and

WHEREAS, More than a million acres of oak woodlands have been lost since 1945, and losses continue due to intensive conversion to agriculture and urban encroachment; and

WHEREAS, Several species of oaks do not seem to be regenerating; and

WHEREAS, The continued health of oak woodlands is an indication of Californians' balance with their rural environment, and loss of this resource indicates a deteriorating relationship with our environment; and

WHEREAS, The range industry, which relies on the hardwood

rangelands as an integral part of their operations, is being adversely affected by continued urbanization and fragmentation and is misunderstood by the public; and

WHEREAS, A number of local governments are regulating hardwood harvesting on private lands; and

WHEREAS, The State Board of Forestry, with the support of the range industry and in cooperation with the Department of Fish and Game, the Department of Forestry, and the University of California, has undertaken a program of development, extension, and research with regard to information concerning California's oak woodlands; and

WHEREAS, There are a number of state departments, agencies, boards, and commissions exercising land use planning duties and management with respect to public and privately owned oak woodlands, including, but not limited to, the Department of Fish and Game, Department of Parks and Recreation, State Lands Commission, California Coastal Commission, Department of Forestry, and Office of Planning and Research; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That all state agencies, including, but not limited to, those specified in this measure, having land use planning duties and responsibilities shall, in the performance of those duties and responsibilities and in a manner consistent with their respective duties and responsibilities, undertake to assess and determine the effects of their land use decisions or actions within any oak woodlands containing Blue, Engelman, Valley, or Coast Live Oak, that may be affected by the decisions or actions. For purposes of this measure, "oak woodlands" means a five-acre circular area containing five or more oak trees per acre; and be it further

Resolved, That those state agencies undertake, in the performance of their duties and responsibilities, to preserve and protect native oak woodlands to the maximum extent feasible and consistent with the performance of their duties and responsibilities, or provide for replacement plantings where Blue, Engelman, Valley, or Coast Live Oak are removed from oak woodlands; and be it further

Resolved, That each of those state agencies, on or before July 1, 1991, in cooperation with the range industry and other private landowners, shall prepare a report, which shall be coordinated by the Range Management Advisory Committee, and shall submit the report to the Resources Agency and to the appropriate policy and fiscal committees of the Assembly and the Senate of the California Legislature, on the actions taken to further the policy objective of this measure; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and the Secretary of the Resources Agency.

RESOLUTION CHAPTER 101

Senate Concurrent Resolution No. 19—Relative to women.

[Filed with Secretary of State September 1, 1989]

WHEREAS, Women of every class and ethnic background have contributed significantly to the making of California history and the shaping of its culture and society; and

WHEREAS, Women of California are making vital contributions to social, political, and economic advancements in this state; and

WHEREAS, These contributions have consistently been overlooked in the selection of commemorative themes for state buildings and monuments; and

WHEREAS, The State of California wishes to rectify this oversight and commemorate the important role of women in California history; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature of the State of California requests the Director of General Services to ensure that the next state building constructed, or if not feasible or appropriate, the next state building designed to be constructed, in Sacramento bear an inscription honoring the role of women in California history; and be it further

Resolved, That the wording of the inscription be chosen by a committee to consist of one Member of the Senate to be appointed by the Senate Rules Committee, one Member of the Assembly to be appointed by the Speaker of the Assembly, and a representative from the California Commission on the Status of Women to be appointed by the chair of the commission, and be reported to the director for the approval of the architect of the building; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of General Services and the Chair of the California Commission on the Status of Women.

RESOLUTION CHAPTER 102

Senate Concurrent Resolution No. 25—Relative to a Santa Susana Mountains recreational use feasibility study.

[Filed with Secretary of State September 1, 1989]

WHEREAS, The Santa Susana Mountains, adjacent to and between Omelveny City Park and the Santa Susana Mountains State Park Project in Los Angeles and Ventura Counties, because of its location between the densely populated urban areas of the San Fernando Valley, the Simi Valley, and the Santa Clarita Valley, and the location of extensive vegetation, woodlands, and wildlife, presents a site that

is ideally suited to park purposes; and

WHEREAS, The California Wildlife, Coastal, and Park Land Conservation Act of 1988 (Proposition 70) provides, and future park bond and other measures may additionally provide, funds for land acquisition by the Department of Parks and Recreation and the Santa Monica Mountains Conservancy within the Santa Susana Mountains or Simi Hills; and

WHEREAS, During the past year, there has been tremendous support for a new state park, called Santa Clarita Woodlands Park, in these mountains; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That, at a minimum, the Department of Parks and Recreation prepare a feasibility study which addresses the following:

(1) Creation and development of a state park in the Santa Susana Mountains and Simi Hills

(2) The recommended recreational uses which could be established at the Santa Susana Mountains site, including a determination of the suitability of the property for overnight camping and the feasibility and effectiveness of establishing buffer areas between the surrounding neighborhood and any recreational uses that may occur on the Santa Susana Mountains property.

(3) The number and disposition of personnel needed to assure proper management and supervision.

(4) The type of improvements needed at the site; and be it further

Resolved, That the Department of Parks and Recreation consult with the Santa Monica Mountains Conservancy and with any local interest groups, as the department determines to be necessary, in the development of the feasibility study; and be it further

Resolved, That the Department of Parks and Recreation transmit the feasibility study to the Legislature on or before June 30, 1990; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Parks and Recreation, the Chairperson of the Santa Monica Mountains Conservancy, the Board of Supervisors of the County of Los Angeles, the City Council of the City of Los Angeles, the City Council of the City of Santa Clarita, and the City Council of the City of Simi Valley.

RESOLUTION CHAPTER 103

Senate Concurrent Resolution No. 45—Relative to the Moreno Valley Freeway.

[Filed with Secretary of State September 1, 1989]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the portion of State Highway Route 60 from Route 10 to Route 91 is hereby officially designated the Moreno Valley Freeway; and be it further

Resolved, That the Department of Transportation is directed to determine the cost of appropriate plaques and markers, consistent with signing requirements for the state highway system, showing the special designation and, upon receiving donations from nonstate sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 104

Senate Concurrent Resolution No. 49—Relative to Hispanic Heritage Week.

[Filed with Secretary of State September 1, 1989.]

WHEREAS, The Hispanic community presently constitutes a growing 22 percent of California's population; and

WHEREAS, Hispanic culture has made significant contributions to the cities of California as evident in the unique and beautiful Spanish architecture which abounds; and

WHEREAS, Hispanics established the mining, cattle ranching, and farming techniques which continue to flourish and have made California's economy a world leader; and

WHEREAS, Hispanics have contributed to the ideals of democracy, as witnessed by the fact that eight of the 40 framers of the California Constitution were of Hispanic decent; and

WHEREAS, A man of Hispanic ancestry, Romauldo Pacheco, was, in 1875, the first native born Governor of California, and served with distinction by improving the state's economic base; and

WHEREAS, Hispanic creativity in the fine arts and performing arts have added to California's unequalled leadership and prominence in the development of American culture; and

WHEREAS, The strong traditional values of the Hispanic family continue to leave an indelible and lasting impression on California's future; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the week of September 11 to 17, inclusive, 1989, and every third week of September thereafter, be proclaimed as Hispanic Heritage Week; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 105

Senate Concurrent Resolution No. 57—Relative to the Joint Committee on International Trade.

[Filed with Secretary of State September 1, 1989.]

WHEREAS, International trade accounts for a significant share of the State of California's employment and economic activity; and

WHEREAS, Expanding international trade and commercial relations with other nations is vital to the future health of California's economy; and

WHEREAS, Diminished federal support for export development, promotion, and finance has necessitated a major expansion of California's role in international trade programs; and

WHEREAS, California's annual budget commitment to international trade-related programs and activities has grown from approximately \$400,000 in the 1983-84 fiscal year to nearly \$9.5 million for the 1989-90 fiscal year; and

WHEREAS, California has opened three California trade and investment offices in Tokyo, London, and Mexico City and is planning to open additional offices in Hong Kong and Frankfurt, Germany; and

WHEREAS, California's trade and investment programs and offices have not been consolidated in a single agency, but instead are spread through various state agencies, including the Governor's office, the California State World Trade Commission, the Department of Food and Agriculture, the Department of Commerce, and the California Energy Commission; and

WHEREAS, No policy committees currently exist in either the Senate or the Assembly which are dedicated exclusively to monitoring international trade-related issues, offices, and programs; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on International Trade is hereby created, and authorized to do all of the following:

(a) Conduct hearings on issues affecting California's international trade programs, interests, and economic relations.

(b) Gather, study, and analyze information concerning the role of world trade and international business in the California economy.

(c) Develop policy recommendations for the Legislature for expanding California exports, improving economic relations with other countries, and increasing the effectiveness of California's international trade-related programs.

(d) Conduct oversight of the operations, functions, and budgets of the various state agencies, offices, and programs that are involved in international economic activities.

(e) Encourage cooperative efforts between the private and public sectors in expanding trade and improving economic relations in

order to ensure that California's vast pool of private trade experience and expertise is used most effectively; and be it further

Resolved, That the committee shall consist of the Senate and Assembly legislative representatives to the California State World Trade Commission, six Members of the Senate, appointed by the Senate Committee on Rules, and six Members of the Assembly, appointed by the Speaker of the Assembly; and be it further

Resolved, That the committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members; and be it further

Resolved, That the committee shall have the power to establish one or more advisory committees to be comprised of representatives from California's international trade and business community to provide advice and guidance to the joint committee; and be it further

Resolved, For the purposes of organizing the Joint Committee on International Trade for the 1989-90 Regular Session, the committee shall be chaired through April 30, 1990, by a Member of the Assembly recommended by the Speaker of the Assembly. From May 1, 1990 through January 31, 1991, or until a measure is adopted establishing the joint committee for the 1991-92 Regular Session, whichever is earlier, the committee shall be chaired by a Senator recommended by the Senate Rules Committee. Thereafter, it is the intent of the Legislature that, upon reauthorization of the joint committee in the 1991-92 Regular Session, the chair shall annually rotate between the Assembly and Senate, with a Member of the Assembly serving as chair during the first year of the two-year session and a Senator serving as chair during the second year of the session; and be it further

Resolved, That the Senate Committee on Rules and the Assembly Committee on Rules may allocate funds, in equal amounts, as they deem appropriate, from the contingent funds of the respective houses for expenses of the joint committee and its members, staff, advisory councils to the joint committee. Any expenditure of money shall be made in compliance with policies set forth by the Senate Committee on Rules and the Assembly Committee on Rules and shall be subject to the approval of the committee making the funds available. The joint committee shall, within 15 days of authorization, and annually thereafter, present its annual budget to the Senate Committee on Rules and the Assembly Committee on Rules for their review and comment; and be it further

Resolved, That the committee shall be terminated on January 31, 1991.

RESOLUTION CHAPTER 106

Assembly Concurrent Resolution No. 22—Relative to emergency medical and trauma care services.

[Filed with Secretary of State September 7, 1989.]

WHEREAS, Injury is the leading cause of death among persons aged 1 to 44; the fourth leading cause of death among all Americans; and the leading cause of short- and long-term disability; and

WHEREAS, Each year more than 140,000 Americans die from trauma injuries, and one person in three suffers a nonfatal injury; and

WHEREAS, Injury is the nation's most expensive health problem, costing up to \$100 billion per year; and

WHEREAS, One-half of all trauma deaths occur prior to hospitalization; 62 percent of trauma deaths which occur in the hospital occur within the first four hours of hospitalization; and one-third of these hospital deaths could be prevented if definitive surgical treatment is initiated in a timely fashion; and

WHEREAS, Over the last several years, both public and private hospitals and physicians have been hit hard by health care funding cutbacks and other medical cost-containment efforts, forcing many major providers of emergency medical services and trauma care services to question the financial feasibility of continuing these life-saving services; and

WHEREAS, Eight of California's original 55 designated trauma facilities have already withdrawn from the statewide regional trauma system; and

WHEREAS, Several hospitals have announced their intention to downgrade their emergency room services; and

WHEREAS, The financial crises demonstrated by the closure of trauma units and downlicensing of hospital emergency rooms in Los Angeles County is only a bellwether of what the rest of the state will soon be witnessing; and

WHEREAS, Steps must be taken immediately if California is to preserve its remaining trauma facilities and hospital emergency room services; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby requests the Governor to convene immediately, a Statewide Task Force on Emergency Medical and Trauma Care Services, under the direction of the Secretary of the Health and Welfare Agency and composed of the Secretary of the Health and Welfare Agency, the State Director of Health Services, the Director of the Emergency Medical Services Authority, two public appointees of the Governor, who shall be individuals experienced in trauma surgery or emergency medical services, or experienced in the development, administration, or financing of trauma care systems or emergency care systems, two public appointees of the Speaker of the Assembly,

who shall be individuals experienced in trauma surgery or emergency medical care systems, and two public appointees of the Senate Committee on Rules, who shall be individuals experienced in trauma surgery or emergency medical services, or experienced in the development, administration, or financing of trauma care systems or emergency medical care systems; and be it further

Resolved, That the duties of the Statewide Task Force on Emergency Medical and Trauma Care Services shall be to examine the underlying causes of the financial crisis now faced by emergency rooms and trauma centers and review and explore potential sources of funding to adequately support a statewide, comprehensive emergency medical services and trauma care system; and be it further

Resolved, That the task force shall, within 90 days after appointment, report to the Governor and the Legislature its findings as to the underlying causes of the financial crisis now faced by emergency rooms and trauma centers and make recommendations as to all appropriate funding sources for the support of a statewide, comprehensive emergency medical services and trauma care system; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 107

Assembly Joint Resolution No. 13—Relative to a national recycling policy.

[Filed with Secretary of State September 7, 1989]

WHEREAS, We live in a world of finite resources where society cannot be sustained without careful conservation of natural resources; and

WHEREAS, Inadequate attention to resource recycling is contributing to resource depletion, air and water pollution, and economic inefficiency; and

WHEREAS, The materials discarded daily in the United States could help assure availability of basic materials for our manufacturing industry; and

WHEREAS, American recycling industries, a major source of raw materials, are forced to compete with heavily subsidized virgin materials extraction and processing industries; and

WHEREAS, The states and cities could reduce their expensive burden of solid waste by one-third to one-half in markets for recyclable materials; and

WHEREAS, A national recycling policy could encourage the growth of markets for recyclable materials; and

WHEREAS, The National Recycling Coalition, Inc., has petitioned the Congress of the United States for a national recycling policy; and

WHEREAS, The Legislature of the State of California endorses the petition for a national recycling policy; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to instruct the administrative agencies and departments, including the Environmental Protection Agency, the Department of the Interior, and the Departments of Commerce, Agriculture, and Treasury, to prepare recommendations and guidelines establishing a national recycling policy utilizing data already developed by the Council on Environmental Quality, the National Commission on Supplies and Shortages, and the National Commission on Materials Policy; and be it further

Resolved, That the national recycling policy shall encourage and provide incentives for the development and use of goods produced from recycled materials and reduce unfair competition from and subsidies for nonrenewable resources industries; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Secretary of the Interior, the Secretary of Commerce, the Secretary of Agriculture, and the Secretary of the Treasury, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 108

Assembly Joint Resolution No. 29—Relative to food labeling.

[Filed with Secretary of State September 7, 1989]

WHEREAS, Coronary heart disease is the single most common cause of death and disability in the United States today; and

WHEREAS, It accounts for more deaths annually than any other disease, including all forms of cancer combined; and

WHEREAS, An elevated blood cholesterol level has been implicated as a factor in the development of arteriosclerosis, a major contributor to coronary heart disease; and

WHEREAS, The Surgeon General has issued reports that concluded that given what is known or strongly suspected about the relationship between diet and disease, Americans would probably be healthier if they avoided too much fat, saturated fat, and cholesterol; and

WHEREAS, The American Heart Association has recommended that most people should lower their dietary intake of cholesterol and

saturated fatty acids; and

WHEREAS, A common theme of health organizations is that it would be beneficial for the general population to have more information about the cholesterol and fat content of foods; and

WHEREAS, Recognition of the value of more information about the cholesterol and fat content of foods provides a new impetus to amend existing labeling regulations to encourage the quantitative declaration of cholesterol and fatty acids on food labels; and

WHEREAS, Labeling regulations need to be reviewed and revised to assist the consumer in easily determining the amount and type of fat and cholesterol present and to encourage the manufacture of nutritious products low in saturated fats and cholesterol; and

WHEREAS, A rule which defines, and provides for, the proper use of the terms cholesterol free, low cholesterol, and cholesterol reduced, in the labeling of foods, would permit meaningful declarations about the cholesterol content of foods, while preventing misleading claims about this food component; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes all federal agencies and departments that regulate food product labeling, including, but not limited to, the Food and Drug Administration and the Department of Agriculture, to adopt food labeling regulations to jointly define, and to provide for, the proper use of the terms cholesterol free, low cholesterol, and cholesterol reduced, in the labeling of food, and to provide for the use of truthful and nonmisleading statements about cholesterol content in food labeling, and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to all federal agencies and departments that regulate food product labeling.

RESOLUTION CHAPTER 109

Assembly Joint Resolution No. 30—Relative to social security trust funds.

[Filed with Secretary of State September 7, 1989]

WHEREAS, Thirty-eight million social security recipients rely on their monthly social security and medicare income checks and 62 percent of the elderly receive half, or more, of their income from social security, depending upon these monthly funds for survival; and

WHEREAS, These social security beneficiaries, because of their relatively low income, spend most of the benefits they receive, thus helping to maintain purchasing power during recession cycles, and, consequently, social security serves as one of our nation's principal economic shock absorbers; and

WHEREAS, Without social security, half the elderly citizens in this country would fall below the federal government's rockbottom definition of poverty, and curtailment of social security cost-of-living adjustments (cola's) would push millions of Americans toward poverty as inflation overtakes them; and

WHEREAS, By the year 1993, the social security trust funds will have a surplus of \$70 billion in income over outgo, however, from now until 1993, when the 1983 social security amendments removing social security trust funds from the unified federal budget are to be effective, adequate protection of these trust funds must be invoked by congressional and administration action without further delay, especially, if the policymakers, whether they are in the administration or in congress, truly wish to reassure and rebuild public confidence in the integrity of the long-term survivability of the social security and medicare programs; and

WHEREAS, Public confidence is undermined when changes are made in social security solely to reduce the federal deficit in any given year; and

WHEREAS, A national survey made in 1987 found 86 percent of Americans opposed to cutting social security and a great majority supported preservation of the colas; and

WHEREAS, Social security is a universal program with more than 9 out of 10 older people protected by social security, 6 out of 10 workers insured against total disability, and 9 out of 10 parents and children having survivorship protection; and

WHEREAS, Just about every American citizen, both young and old, has a major stake in protecting the long-term commitments of the social security program from fluctuations in politics and everyday fiscal policy decisions; now, therefore, be it

Resolved, by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to immediately implement the 1983 social security amendments, which will remove the social security trust funds from the uniform federal budget, which is subject to the Gramm-Rudman-Hollings Act; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Chairpersons of the House and Senate Committees on Aging, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 110

Assembly Joint Resolution No. 33—Relative to student loans.

[Filed with Secretary of State September 7, 1989]

WHEREAS, The key to successful economic development for California and the nation is the availability of a well-educated, skilled, trained, motivated, and productive work force; and

WHEREAS, California has a historic commitment to providing both educational and economic opportunity to the broadest possible segment of the population through a strong system of public and private postsecondary education; and

WHEREAS, Equal access to the state's diverse educational offerings in both public and private educational institutions is dependent upon the availability of state and federal financial assistance to those who would not otherwise have the resources to attend college or vocational school; and

WHEREAS, An integral component of the financial assistance available to the state's postsecondary students are funds provided by the Robert T. Stafford Student Loan Program, a federally guaranteed program under which more than 300,000 California students have borrowed more than five billion dollars (\$5,000,000,000) in loans as of 1988, of which amount six hundred and fifty million dollars (\$650,000,000) has entered default; and

WHEREAS, Of those who default, many do so because they enter programs with insufficient academic preparation, receive inadequate consumer information, receive substandard education and training, and are subsequently unable to obtain gainful employment; and

WHEREAS, The state has a fundamental responsibility to ensure adequate consumer protection from substandard educational practices, insufficient disclosure of consumer information, and fraud or misrepresentation in the sale or promotion of educational programs, whether accredited or unaccredited; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States, as part of the reauthorization of the Higher Education Act of 1965, to reconsider and revise as necessary the guidelines for institutional participation and for student eligibility that apply to the granting of student loans under the federal Title IV financial aid programs; and be it further

Resolved, That eligibility for institutional participation in state and federal financial aid programs should be contingent upon clear evidence that students are benefiting from a quality education that leads to a reasonable likelihood of gainful employment or certification of license in a professional field; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United

States, the Secretary of Education, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 111

Assembly Joint Resolution No. 40—Relative to fishing by foreign vessels.

[Filed with Secretary of State September 7, 1989]

WHEREAS, The South Koreans and Taiwanese have engaged in high seas drift and gill net fishing in the Pacific Ocean throughout the 1980s without the benefit of a comprehensive international fishing agreement to limit the scope of the fishing and to share information concerning their activities; and

WHEREAS, In 1952, Japan, Canada, and this country entered into an agreement known as the International Convention for the High Seas Fisheries of the North Pacific (INPFC) and recently the parties have been negotiating for an international fishing agreement concerning Japanese driftnet practices for squid, but no negotiations are underway with the South Korean and Taiwanese governments; and

WHEREAS, Under Articles 66, 116, 117, and 118 of the United Nations Law of the Sea Treaty and customary international law, nations engaged in high seas fishing are required to enter into cooperative international fishing agreements; and

WHEREAS, The United States Department of State has been unsuccessful in its attempts to convince Japan, South Korea, or Taiwan to enter into international fishing agreements relating to high seas fishing in compliance with the Driftnet Impact Monitoring, Assessment, and Control Act of 1987 (P.L. 100-220, Title IV Secs. 4001-4009); and

WHEREAS, These three nations support at least 800 vessels, each fishing approximately 20 to 60 miles of monofilament driftnet daily or 20,000 miles of driftnet each day or 2,000,000 miles of net in 1988 that indiscriminately catch virtually everything that swims into their path, including whales, marine mammals, sea birds, and immature salmon and steelhead from the rivers of the Pacific Northwest; and

WHEREAS, High seas interception of these pirated salmon and steelhead constitutes a waste of the salmon and steelhead resource due to the small size of these fish; and

WHEREAS, These fish caught in violation of customary international law and the United Nations Law of the Sea Treaty compete with mature salmon and steelhead legally caught by nations of their origin thereby causing a direct harm to the West Coast economy; and

WHEREAS, High seas interception of salmon and steelhead undermines the efforts of the Pacific Northwest states to restore the salmon and steelhead resource; and

WHEREAS, Squid is the primary target of the high seas fishing of these three nations, and since squid constitutes an essential link in the aquatic food chain, the continued unbridled harvest of squid may cause irreparable harm to the marine environment; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to do the following:

(a) Ensure that any agreement reached between the United States federal government and Japan forbids the mixed catch of salmon, and provide for increases in the number of independent observers aboard Japanese driftnet vessels and the use of telemetry to determine vessel location and water temperatures.

(b) Take immediate action against the South Korean and Taiwanese governments which would do the following:

(1) Increase the penalties for illegal commercial fishing and for knowingly receiving, shipping, processing, or marketing fish which were taken illegally.

(2) Provide a statutory presumption that fishing is taking place if a foreign fishing vessel is operating in areas that are prohibited pursuant to an international agreement or if the foreign fishing vessel refuses to permit the United States Coast Guard to board the vessel and search for the fish.

(3) Extend the "Pelly" import sanctions (16 U.S.C. Sec. 1825) to include the embargo of imports other than fish and fish products; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the United States Secretary of State, to the United States Secretary of Commerce, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, and to each Senator and Representative from Alaska, California, Idaho, Oregon, and Washington in the Congress of the United States.

RESOLUTION CHAPTER 112

Assembly Joint Resolution No. 36—Relative to the Columbia River Basin anadromous fish.

[Filed with Secretary of State September 8, 1989]

WHEREAS, The anadromous salmon and steelhead originating in the Columbia River Basin must pass the federal Columbia River

Hydroelectric Projects on the Columbia and Snake Rivers on their migration to and from the Pacific Ocean; and

WHEREAS, Three of the dams do not have bypass facilities to steer juvenile anadromous fish away from turbine intakes, and a fourth dam has inadequate bypass facilities; and

WHEREAS, The United States Army Corps of Engineers, which operates the dams, has failed to provide sufficient spill to enable juvenile anadromous fish to bypass turbines on their downward migration; and

WHEREAS, The lack of bypass facilities and insufficient spill has resulted in significant mortality to salmon and steelhead in the Columbia River Basin; and

WHEREAS, The following entities recently negotiated an agreement providing for spills to reduce turbine mortality of anadromous fish at the federal Columbia River Hydroelectric Projects:

(a) The United States Department of Energy, acting by and through the Bonneville Power Administration.

(b) The Pacific Northwest Utilities Conference Committee, on behalf of its member utilities and industries.

(c) The United States Department of Interior.

(d) The National Marine Fisheries Service, in its own capacity and as delegate for the United States Department of Commerce.

(e) The Washington Department of Fisheries and the Washington Department of Wildlife.

(f) The Oregon Department of Fish and Wildlife.

(g) The Idaho Department of Fish and Game.

(h) The Columbia River Inter-Tribal Fish Commission.

(i) The Confederated Tribes of the Warm Springs Reservation of Oregon.

(j) The Confederated Tribes of the Umatilla Indian Reservation.

(k) The Confederated Tribes of the Colville Reservation.

(l) The Nez Perce Tribe of Idaho; and

WHEREAS, The agreement will substantially benefit efforts to increase the populations of the salmon and steelhead originating in the Columbia River Basin; and

WHEREAS, The Northwest Power Planning Council has initiated a process to amend the Columbia River Basin Fish and Wildlife Program to incorporate the provisions of the spill agreement, and has further endorsed the installation of mechanical bypass facilities as superior to the present method of barging migrating fish around dams; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California endorses the action taken by the Northwest Power Planning Council to amend the Columbia River Basin Fish and Wildlife Program to include the spill agreement, and hereby requests the council to expedite the amendment process; and be it further

Resolved, That the Legislature of the State of California

respectfully memorializes the President and Congress of the United States to do whatever is necessary for the United States Army Corps of Engineers, as the operator of the federal Columbia River Hydroelectric Projects, to implement the spill agreement and to install appropriate bypass facilities as soon as reasonably possible, and to provide the necessary funds to finance expeditious construction of the bypass facilities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the United States Army Corps of Engineers, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 113

Assembly Joint Resolution No. 39—Relative to federal immigration reform.

[Filed with Secretary of State September 8, 1989.]

WHEREAS, The Immigration and Reform and Control Act (IRCA), which brought the most sweeping change in United States Immigration laws for the last 30 years, was signed into law on November 6, 1986 (Public Law 99-603); and

WHEREAS, IRCA has two major provisions: sanctions against employers who knowingly hire undocumented workers; and legalization of undocumented residents who can establish continuous residency in the United States since 1982 and satisfy a number of other eligibility requirements; and

WHEREAS, IRCA also established the State Legalization Impact-Assistance Grants Program to provide, for four fiscal years, grants to states to pay for classes in English and United States history and government and for health and other services for immigrants seeking to legalize their status through the amnesty program; and

WHEREAS, Various proposals are pending in Congress, including the rescinding of \$600,000,000 of that appropriation in order to reduce the general deficit or for other general purposes, the diversion and reallocation of \$200,000,000 thereof, and a temporary loan of \$100,000,000 from the State Legalization Impact-Assistance Grants Program Fund to assist in the resettlement of an unanticipated surge of refugees from the Soviet Union; and

WHEREAS, Any apparent surplus in those funds is illusory in that the delay in spending the appropriated funds derives not from a lack of demand or need for the funded services, but rather from administratively delayed implementation of the program at both the federal and state levels which have resulted in the program being a year behind schedule in certain parts of the county and from undue

but inherent delays because of the extended and attenuated claims procedures and because of the disbursement of the grants on the basis of reimbursing service providers for past expenditures and services rendered; and

WHEREAS, In California the demand for services, especially English and civics classes, has exceeded expectations by 50 percent and more than 150,000 immigrants are on the waiting lists and once the programs in other states are under way similar demands will be likely; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to oppose any attempt to diminish or divert any funds currently appropriated for the State Legalization Impact-Assistance Grants Program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 114

Assembly Joint Resolution No. 48—Relative to women veterans.

[Filed with Secretary of State September 8, 1989]

WHEREAS, The California Department of Veterans Affairs has ascertained that there are approximately 148,000 women veterans in California; and

WHEREAS, The California Commission on Women Veterans reported to the California Legislature in 1988 that the vast majority of these women veterans are successful, capable, and contributing members of society; and

WHEREAS, In that report, the California Commission on Women Veterans noted with alarm that a study conducted by the United States Department of Veterans Affairs and Louis Harris Associates, Inc., concluded that the lifetime incidence of cancer among women veterans is nearly twice as high as among the general population of adult women; and

WHEREAS, The California Commission on Women Veterans has further found that no followup research has been undertaken by the United States Department of Veterans Affairs to ascertain the reasons for this alarming disparity in cancer rates between women veterans and the general population of adult women; and

WHEREAS, Further study is urgently needed to determine why this disparity in the incidence of cancer exists and what steps the

United States Department of Veterans Affairs or individual women veterans, or both, can take to find and eliminate the health risks to women veterans which result in this high incidence of cancer; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress of the United States to require the United States Department of Veterans Affairs to conduct a followup investigation into its earlier findings that the incidence of cancer among women veterans is nearly twice as high as among adult women in the general population; and be it further

Resolved, That the United States Department of Veterans Affairs be directed to communicate the results of that investigation to each Senator and Representative from California in the Congress of the United States and to the Assembly Subcommittee on Veterans Affairs of the Assembly Committee on Governmental Organization and the Senate Committee on Veterans Affairs of the California Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States Department of Veterans Affairs.

RESOLUTION CHAPTER 115

Assembly Joint Resolution No. 49—Relative to certain employee benefit plans.

[Filed with Secretary of State September 8, 1989]

WHEREAS, In enacting Section 89 of the Internal Revenue Code, Congress intended to encourage employers offering accident or health plans or group-term life insurance to provide those benefits to a broad range of employees; and

WHEREAS, Section 89 of the Internal Revenue Code imposes complex new nondiscrimination rules and qualification standards which require public school districts to incur great effort and expense to implement; and

WHEREAS, The utility of applying Section 89 of the Internal Revenue Code to public school districts is far exceeded by the compliance burden imposed; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation amending Section 89 of the Internal Revenue Code so as to exclude

public school districts from the requirements of that section; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 116

Assembly Concurrent Resolution No. 41—Relative to funding for care for the elderly.

[Filed with Secretary of State September 8, 1989]

WHEREAS, The population of elderly persons in the United States is accelerating, with the number of those persons over 80 expected to increase from 2.9 million in 1980 to 7.9 million in 2020, and

WHEREAS, California's elderly population is growing even more rapidly, with those age 80 and older expected to increase by 138 percent over the next 20 years; and

WHEREAS, State government must confront the challenge of paying for the care of the elderly when there are fewer younger taxpayers each year relative to the elderly population; and

WHEREAS, The costs to society, families, and older Californians will be catastrophic unless realistic planning is undertaken and incentives for investment and savings are developed now; and

WHEREAS, The public sector cannot manage the burden alone; and

WHEREAS, Private funding mechanisms have not been established to relieve the public sector's financial burden; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California requests the Secretary of Health and Welfare and the Director of Finance to identify potential new revenue sources for increased funding for residential care for the elderly; and be it further

Resolved, That public-private partnerships be identified; and be it further

Resolved, That the Secretary of Health and Welfare Agency and the Director of Finance are requested to report their findings to the Legislature on or before January 1, 1990; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of Health and Welfare and the Director of Finance, and to the Governor.

RESOLUTION CHAPTER 117

Assembly Concurrent Resolution No. 52—Relative to the
Lanterman Developmental Disabilities Services Act.

[Filed with Secretary of State September 8, 1989.]

WHEREAS, The State of California has accepted an obligation under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) (the Lanterman Act) to ensure that persons with developmental disabilities receive services that enable them to live more independent and productive lives in settings least restrictive of their personal liberties; and

WHEREAS, Many Californians with developmental disabilities have been able to remain and participate meaningfully in their family homes and other community settings with services provided by regional centers under the Lanterman Act; and

WHEREAS, The Lanterman Act was first enacted in 1969, and was substantially revised in 1976; and

WHEREAS, According to the State Department of Developmental Services, during the 13 years since the Lanterman Act was last reviewed and revised the number of clients served in their own homes or in community settings under the act has increased from 34,000 to 86,000, and expenditures for these clients' services have increased from \$59 million per year to \$468 million per year; and

WHEREAS, The Department of Developmental Services projects that more than 100,000 clients will be served in their own homes or community settings by July, 1993; and

WHEREAS, The Legislature recognizes that the Lanterman Act must provide an effective and progressive statutory framework for the state's system of community services if California is to meet the needs of its citizens with developmental disabilities in the coming decade; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF CALIFORNIA, THE SENATE THEREOF CONCURRING, That the State Department of Developmental Services, the State Council on Developmental Disabilities, and the Organization of Area Boards cooperate with the Legislature in a review and analysis of the current implementation of the Lanterman Developmental Disabilities Services Act; and be it further

RESOLVED, That the review include, but not be limited to, an analysis of whether regional centers for the developmentally disabled should be operated as state agencies, whether a pilot capitation model should be pursued for the regional center service delivery system, and the roles and functions of the regional center and developmental center clients' rights advocates and their future utilization in the advocacy system for the service delivery system for

persons with developmental disabilities; and be it further

Resolved, That the Assembly Subcommittee on Mental Health and Developmental Disabilities, in conjunction with the Senate Subcommittee on Mental Health, Developmental Disabilities, and Genetic Diseases, and the Senate Judiciary Subcommittee on the Rights of the Disabled is requested to conduct hearings throughout the state to study services and programs authorized under the Lanterman Developmental Disabilities Services Act and to develop and file a report of its findings and recommendations with the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Developmental Services, the Chairperson of the State Council on Developmental Disabilities, the Chairperson of the Organization of Area Boards, the chairpersons of the Assembly Standing Committee on Health, the Assembly Subcommittee on Mental Health and Developmental Disabilities, the Senate Standing Committee on Health and Human Services, the Senate Subcommittee on Mental Health, Developmental Disabilities, and Genetic Diseases, and the Senate Judiciary Subcommittee on the Rights of the Disabled.

RESOLUTION CHAPTER 118

Assembly Concurrent Resolution No. 70—Relative to the Year of the Teacher and the Education Decade.

[Filed with Secretary of State September 8, 1989]

WHEREAS, It is people who are truly America's greatest resources; and

WHEREAS, The United States of America can only be as strong as its people; and

WHEREAS, Quality education is fundamental to progress and prosperity; and

WHEREAS, Education represents society's greatest and most lasting gift to new generations; and

WHEREAS, The nation's schools are charged with the challenge of preparing children, youth, and adults to lead humankind into the future; and

WHEREAS, Teachers have a role of profound importance in our society; and

WHEREAS, Attracting and retaining good educators depends in large part on the compensation, working conditions, and status which they are accorded; and

WHEREAS, The acceleration of technological change, in such areas as transportation, computerization, and communications, demands that education keep pace; and

WHEREAS, Education is the driving force in improving the quality of life for all people; and

WHEREAS, Education offers humanity the opportunity to learn as much as it can and to grow as whole as it might; and

WHEREAS, We approach with excitement the challenges of a new century; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California State Legislature hereby declares 1990 as the Year of the Teacher and the years from 1990 to 2000 as the Education Decade.

RESOLUTION CHAPTER 119

Assembly Concurrent Resolution No. 73—Relative to worksite innovations.

[Filed with Secretary of State September 8, 1989]

WHEREAS, The need to compete with foreign interests in the marketplace correlates directly with the ability to manufacture products that are of the same quality; and

WHEREAS, California firms must reflect the newest technologies and social organizations aimed at boosting productivity and competitiveness in the world market; and

WHEREAS, New United Motors Manufacturing, Inc. (NUMMI), of Fremont has pioneered the development of a new social organization called the "team concept," which has reportedly had a substantial impact on increased productivity and employee morale; and

WHEREAS, The operation of this previously closed plant has led to a positive economic impact for the state and should be seen as a possible guide to avoid other manufacturing plant closures and as a possible new direction that should be taken to compete in the rapidly changing world market; and

WHEREAS, Other types of innovative arrangements are taking place at the General Motors plant in Van Nuys, California, and at the U.S. Steel plant in Pittsburg, California, and the lessons gained by these efforts could provide valuable information to other firms interested in undertaking worksite innovations; and

WHEREAS, The Senate has spent fifteen thousand dollars (\$15,000) to design an evaluation to understand how worksite innovations affect worker productivity in leading California manufacturing establishments and how these manufacturing changes impact behavior on the shop floor; and

WHEREAS, The design process has been a collaborative effort between government, industry, and labor; and

WHEREAS, The design would specifically do all of the following:

(a) Focus on the distinct forms of worksite innovations and their relationship to superior productivity.

(b) Understand the impact of job training on the success or failure of manufacturing innovations.

(c) Focus on the relationships between management and labor and how they jointly respond to workplace innovations; and

WHEREAS, It is the intent of the Legislature that the estimated three hundred thousand dollars (\$300,000) necessary to fund the cost of the evaluation be shared equally among business, labor, and government sources; and

WHEREAS, The Employment Training Panel paid for the training needed to carry out the study of plant innovations at NUMMI of Fremont, and panel training has often played a critical role in experimental plant arrangements; and

WHEREAS, Since the evaluation will measure the contribution of the Employment Training Panel subsidies to the sites' success, the Employment Training Fund is an appropriate source of support for the evaluation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the Employment Training Panel to allocate one hundred thousand dollars (\$100,000) from the Employment Training Fund to support the evaluation of worksite innovations; and be it further

Resolved, That the results from this evaluation shall be used to the benefit of current and future California industries to effect changes that will allow California manufacturers to compete successfully in the world marketplace; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to each member of the Employment Training Panel.

RESOLUTION CHAPTER 120

Assembly Concurrent Resolution No. 75—Relative to juvenile justice centers.

[Filed with Secretary of State September 8, 1989]

WHEREAS, Many juvenile offenders appear before a different judge of the juvenile court each time they come before the court; consequently, the court often is personally unfamiliar with the juvenile and knowledge of the juvenile is limited to the information contained in his or her file; and

WHEREAS, The County of Los Angeles has implemented community-based juvenile justice centers, which have proven successful in establishing continuity in the system for juvenile offenders; and

WHEREAS, These juvenile justice centers consist of a

community-based hearing panel composed of a judge of the juvenile court, probation officers, an investigative officer from local law enforcement agencies, and a representative from the school district; and

WHEREAS, Each time a juvenile is taken into custody, he or she is returned to the assigned juvenile justice center for hearing in front of the same panel; the juveniles are reviewed and screened by the hearing panel to determine their individual needs; and

WHEREAS, These juvenile justice centers have enabled the juvenile justice system to adjudicate juvenile cases with greater efficiency, while monitoring the progress of the juveniles; the centers have also enabled the juvenile justice system to improve cooperative efforts and communication between the various participating agencies and the court; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California expresses its intent that juvenile justice centers similar to those existing in the County of Los Angeles be established in each county of the state.

RESOLUTION CHAPTER 121

Senate Joint Resolution No. 4—Relative to drug trafficking.

[Filed with Secretary of State September 8, 1989.]

WHEREAS, The use, sale, production, and importation of illegal narcotics is a major problem of our society; and

WHEREAS, Illegal drugs are entering the United States at an unprecedented rate; and

WHEREAS, The Republic of Mexico is the primary source of heroin and marijuana and the transshipment route for at least one-third of the cocaine entering the United States market; and

WHEREAS, The United States Customs Service, United States Border Patrol, and local, state, and federal law enforcement agencies are involved in the interdiction of drugs along the California-Mexico border, but their combined resources are not equal to the task; and

WHEREAS, It is a generally accepted policy of the state that civilian, rather than military, agencies should have the primary responsibility for drug interdiction and enforcement actions; and

WHEREAS, The California National Guard opposes any role which would require it to assume law enforcement functions or otherwise violate state policy in this regard; and

WHEREAS, Federal legislation provides for an increased drug interdiction and enforcement role by the California National Guard by authorizing 60 million dollars for use by the states for drug interdiction; and

WHEREAS, Since 1983, the California National Guard has been called upon to provide support for drug interdiction and enforcement missions; and

WHEREAS, Aviation support is the primary means by which the California National Guard can be of significant assistance to drug interdiction and enforcement operations; and

WHEREAS, Existing California National Guard aircraft are of limited value in an aviation support role since their effective operation is influenced by weather conditions and they lack systems capable of readily detecting personnel, vehicles, and aircraft; and

WHEREAS, The California National Guard, further, has no aviation support facility near the Mexican border, where the majority of drug trafficking occurs; and

WHEREAS, The California National Guard is seeking authorization from the National Guard Bureau to establish the State Area Command Aviation Section at Mather Air Force Base in Sacramento and an attack helicopter battalion at Brown Field in San Diego County; and

WHEREAS, The necessary equipment for the helicopter battalion could be obtained by redirecting the issuance of currently budgeted aircraft from the United States Department of Defense; and

WHEREAS, The advantages of having a base of operations in proximity to the border are significant, particularly for future, continuing support; and

WHEREAS, Brown Field is the key to the success of drug interdiction operations on the border by the California National Guard; and

WHEREAS, The California National Guard proposal to support drug interdiction efforts is endorsed by the United States Customs Services, United States Border Patrol, City of San Diego, and San Diego County Sheriff; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress to direct the United States Department of Defense, the National Guard Bureau, and the Vice President of the United States, who is in charge of the National Narcotics Border Interdiction System, to support and appropriately fund the California National Guard proposal to engage in drug interdiction operations with the acquisition of needed helicopters and surveillance equipment, the establishment of a full-time aviation program to support drug interdiction agencies, and the establishment of a California National Guard attack helicopter battalion at Brown Field in San Diego County; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the United States Department of Defense, to the United States Customs Service, and to the United States Border Patrol.

RESOLUTION CHAPTER 122

Senate Concurrent Resolution No. 13—Relative to insurance.

[Filed with Secretary of State September 15, 1989]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Senate Office of Research is hereby requested to conduct a study of disability insurers and nonprofit hospital service plans to determine the following:

(1) The number of insurers and plans currently providing either individual or group coverage for outpatient mental health services.

(2) The number of insurers and plans currently providing coverage different than described below; and be it further

Resolved, That the Senate Office of Research shall also survey self-insured employee welfare benefit plans and multiple employer trusts, pursuant to the jurisdictional authority of the Insurance Commissioner specified in Section 740 of the Insurance Code, which provide coverage for hospital, medical, or surgical benefits with respect to the providing of outpatient mental health services described below; and be it further

Resolved, That in carrying out this directive, the Insurance Commissioner is encouraged to cooperate with the Legislature in obtaining and providing the data needed for the study; and be it further

Resolved, That for purposes of this measure, "coverage" means outpatient mental health services for any mental disorder included in the V codes of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders" (Third Edition) for individuals and for their children under the age of 18 which arise from the dissolution of a marriage. "Coverage" includes a treatment period of not less than six months; and be it further

Resolved, That the Senate Office of Research report its findings to the Legislature on or before January 10, 1991; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Senate Office of Research and to the Insurance Commissioner.

RESOLUTION CHAPTER 123

Senate Concurrent Resolution No. 32—Relative to education.

[Filed with Secretary of State September 15, 1989]

WHEREAS, The American heritage and laws reflect a common core of personal and social morality, including telling the truth, being trustworthy, and respecting the rights and property of others; and

WHEREAS, The Judeo-Christian heritage is a rich and diverse

heritage that has influenced the shaping of fundamental moral values in society and has affirmed in many ways that human beings are moral persons responsible for their own behavior and the well-being of other persons; and

WHEREAS, Public school children should have knowledge of those principles of morality established by tradition and heritage as well as enforced by the laws of this state and of the United States; and

WHEREAS, Public school children should have knowledge of, and appreciate the significant contributions of, religion in history and law, and should understand that criminal law reflects moral judgments about standards of conduct held to be enforceable by society; and

WHEREAS, Public school teachers have the responsibility of helping pupils to identify values and moral issues underlying American society; and

WHEREAS, Section 44806 of the Education Code requires each teacher to endeavor "...to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism, and a true comprehension of the rights, duties, and dignity of American citizenship..." ; and

WHEREAS, The members of the State Board of Education have concerned themselves with the moral and ethical development of the children of California, demonstrated by their adoption of the "Handbook on the Legal Rights and Responsibilities of School Personnel and Students in the Areas of Moral and Civic Education and Teaching About Religion"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Department of Education is hereby requested to do all of the following:

(a) Provide to every public elementary and secondary school teacher the "Handbook on the Legal Rights and Responsibilities of School Personnel and Students in the Areas of Moral and Civic Education and Teaching About Religion," which was adopted by the State Board of Education on June 10, 1988.

(b) Send a program advisory to every school district in the state advising that the handbook should be read by every teacher and incorporated into all course material where appropriate.

(c) Incorporate into the state's regional workshops on the History-Social Science Framework, teacher training based on the precepts set forth in the handbook.

(d) Consider the feasibility of providing funding for the distribution of the handbook and related information from funds received in the 1990-91 fiscal year from Chapter 2 of Title 1 of the Elementary and Secondary Education Act entitled "Federal, State, and Local Partnership for Educational Improvements," and from any other available resources, including private funds; and be it further

Resolved That the Secretary of the Senate transmit a copy of this resolution to the Superintendent of Public Instruction.

RESOLUTION CHAPTER 124

Senate Concurrent Resolution No. 41—Relative to legislative contingent funds.

[Filed with Secretary of State September 15, 1989.]

WHEREAS, The citizens of this state have the right to a detailed accounting of the expenditures incurred by state government; and

WHEREAS, There should be no exemptions which preclude the full, complete, and accurate disclosure and auditing of all state expenditures including legislative expenditures; and

WHEREAS, The Legislature recognizes the authority of the Controller, consistent with Section 3 of Article III of the California Constitution, with respect to auditing the operating funds of the Legislature; and

WHEREAS, The Legislature further declares that the Controller, in accordance with Section 7 of Article XVI of the California Constitution, shall draw warrants for claims of the Legislature only after auditing the claims for legality, correctness, and verification that payment is authorized by law; and

WHEREAS, Senate Bill 1530 of the 1989-90 Regular Session, will, if enacted, expressly authorize the Controller to audit all claims relating to the expenditure of legislative funds for legality, correctness, and verification that payment is authorized by law; and

WHEREAS, The Assembly Committee on Rules, the Senate Committee on Rules, and the Joint Rules Committee shall ensure that claims are legal, correct, and necessary for the operation of the Legislature, and that claims are properly presented to the State Controller for payment; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Controller is hereby requested to prepare an itemized report of all expenditures made by each Member of the Legislature and each committee during the 1985-86 Regular Session from the Senate Contingent Fund, the Assembly Contingent Fund, and the Contingent Funds of the Senate and Assembly, and the report shall also identify any claims that were submitted and paid that would have been rejected had the claim been audited prior to payment by the Controller; and be it further

Resolved, That the Controller is requested to prepare the report by January 31, 1990, and, upon completion, the report shall be made available to the public; and be it further

Resolved, That the costs incurred by the Controller in preparing the report shall be paid in equal amounts from the Senate Contingent Fund and the Assembly Contingent Fund.

RESOLUTION CHAPTER 125

Senate Concurrent Resolution No. 47—Relative to the California Vietnam Veterans' Memorial.

[Filed with Secretary of State September 15, 1989.]

WHEREAS, A memorial to honor California's Vietnam Veterans has been constructed on the grounds of the State Capitol with funds contributed by the citizens of California; and

WHEREAS, The memorial has recently been subjected to attacks of vandalism; and

WHEREAS, In order to adequately protect the memorial, it will be necessary to obtain financing to install the requisite security devices; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Director of General Services is directed to require the California State Police Division to guard the memorial 24 hours a day; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of General Services and the Chief of the California State Police Division.

RESOLUTION CHAPTER 126

Senate Concurrent Resolution No. 48—Relative to child care facilities.

[Filed with Secretary of State September 15, 1989]

WHEREAS, Senate Bill 867, which has been introduced in the 1989-90 legislative session, would, if enacted, take effect immediately as an urgency statute, and would appropriate funds for renovation of a specified health center in Los Angeles County for provision of child care facilities; and

WHEREAS, There is an urgent need for child care in the San Fernando Valley, and that cost savings could result from starting the planning process for the child care center proposed by Senate Bill 867 as soon as possible; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Architect is requested to start the preliminary planning work that he or she deems necessary, at a minimal funding level, as determined by the State Architect, for the child care center proposed by Senate Bill 867, until the enactment of Senate Bill 867 or until the appropriation of funds for this purpose in the 1989-90 fiscal year or in the 1990-91 Budget; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the State Architect.

RESOLUTION CHAPTER 127

Senate Concurrent Resolution No. 51—Relative to Hispanic Veterans Day.

[Filed with Secretary of State September 15, 1989]

WHEREAS, The history of California veterans of Hispanic origin abounds with acts of heroism and evinces a heritage of valor which has brought honor and earned the gratitude of our country; and

WHEREAS, As early as 1863, the United States Government authorized the military commander in California to "raise four companies of native Mexican-American Californians in order to take advantage of their 'extraordinary horsemanship'"; and

WHEREAS, Admiral David G. Farragut, an Hispanic of great renown and hero of the Civil War, distinguished himself as a military strategist whose concepts and accomplishments served as examples of military excellence, and was, among other things, responsible for establishing the Mare Island Naval Yard at Vallejo; and

WHEREAS, The bravery of countless Hispanics in World Wars I and II, and the conflicts of Korea and Vietnam is consistent with the greatest acts of heroism known in our history, as exemplified by the 200th and the 515th Coast Artillery Battalions, which were comprised of a majority of Hispanics, many of whom were from California, who fought to the bitter end at Bataan in World War II; and

WHEREAS, During World War II, Marine Corps Private First Class Guy Louis Gabaldon, of Bellflower, California, distinguished himself with conspicuous gallantry by capturing 800 enemy soldiers in seven hours; and

WHEREAS, Hispanic veterans, both men and women, have shown and continue to show a superb dedication to the United States, evidenced by the award of 37 Congressional Medals of Honor, the greatest number received by any ethnic group; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That September 17, 1989, and every third Sunday of September thereafter, be proclaimed as Hispanic Veterans Day; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the author for appropriate distribution.

RESOLUTION CHAPTER 128

Senate Concurrent Resolution No. 63—Relative to the Supplemental Report of the Committee on Conference on the 1989 Budget Bill.

[Filed with Secretary of State September 15, 1989.]

WHEREAS, The Supplemental Report of the Committee on Conference on the 1989 Budget Bill, which contains agreed language on statements of intent or requests for studies, was submitted to the Senate and Assembly concurrently with consideration of the Budget Bill for the 1989-90 fiscal year; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Supplemental Report of the Committee on Conference on the 1989 Budget Bill reflects the intent of both houses of the Legislature in adopting the Budget Act of 1989; and be it further

Resolved, That the Supplemental Report of the Committee on Conference on the 1989 Budget Bill shall be interpreted as the intent of the Legislature by the various agencies of state government affected by the statements contained in the report; and be it further

Resolved, That the Legislature Analyst shall transmit copies of the appropriate parts of the Supplemental Report of the Committee on Conference on the 1989 Budget Bill to the agencies to which the instructions, limitations, or statements of intent are directed in the report, so that the agencies may be fully informed of the action of the Legislature.

RESOLUTION CHAPTER 129

Senate Concurrent Resolution No. 67—Relative to the Martin Luther King, Jr. Freeway.

[Filed with Secretary of State September 15, 1989]

WHEREAS, Martin Luther King, Jr. achieved worldwide recognition as a leader of the American civil rights movement which sought, through nonviolent means, to bring about social, political, and economic equality for Black Americans; and

WHEREAS, An ordained Baptist minister, King's eloquent leadership inspired supporters throughout the nation to engage in marches, demonstrations, and boycotts to protest racial discrimination; and

WHEREAS, Those efforts contributed to enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, Martin Luther King, Jr. was awarded the 1964 Nobel Peace Prize for leading the struggle for racial equality through nonviolent means; and

WHEREAS, In contradiction to the nonviolence which he so fervently espoused, King's own life was ended by an assassin's bullet on April 4, 1968; and

WHEREAS, It is fitting that our remembrance of Martin Luther King, Jr. be perpetuated by the naming of a freeway in his honor;

now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That State Highway Route 94 from the junction of Interstate 5 in the City of San Diego to the junction of State Highway Route 125, is hereby designated the Martin Luther King, Jr. Freeway; and be it further

Resolved, That the Department of Transportation is hereby requested to determine the cost of appropriate signs, consistent with signing requirements for the state highway system, showing this official designation and, upon receiving donations from private sources to cover that cost, to erect those signs; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Coretta Scott King.

RESOLUTION CHAPTER 130

Senate Joint Resolution No. 5--Relative to the Medicare Catastrophic Coverage Act of 1988.

[Filed with Secretary of State September 15, 1989.]

WHEREAS, Congress passed and President Reagan signed House Resolution 2470 (P.L. 100-360), the Medicare Catastrophic Coverage Act of 1988, to provide coverage for catastrophic hospital and medical costs for the nation's 32.4 million Medicare beneficiaries; and

WHEREAS, The act was so designed as to benefit about 1 percent of Medicare beneficiaries who are hospitalized annually for longer than 60 days, and the 7 percent of Medicare beneficiaries who pay more than \$1,370 annually in out-of-pocket expenses under Medicare, Part B, for physicians' services; and

WHEREAS, Those achieving the \$1,370 cap will still be required to pay the difference between what Medicare reimburses physicians and what physicians actually charge; and

WHEREAS, The act added partial coverage for prescription drugs, which will benefit about 17 percent of Medicare beneficiaries; and

WHEREAS, All Medicare beneficiaries, beginning in 1989, will pay \$31.70 per month Medicare, Part B, premium for catastrophic coverage, up from \$27.90 per month-- an increase of over 14 percent; and

WHEREAS, Premiums for supplemental insurance to Medicare, so-called "medi-gap" insurance, have increased even though the benefits they cover have generally decreased; and

WHEREAS, Fourteen million three hundred thousand individuals will pay an additional catastrophic surtax of \$22.50 on each \$150 of federal tax liability; and

WHEREAS, This 15 percent surtax could amount to as much as \$800 per annum for a single person and \$1600 for a couple, and will rise to a 28 percent surtax by 1993; and

WHEREAS, This surtax method of funding represents a significant departure from the traditional method of spreading the costs of care among current and future beneficiaries; and

WHEREAS, The act does not include coverage for the greatest catastrophic need of Medicare beneficiaries--that is, protection against the impoverishing costs of long-term care; and

WHEREAS, The act will lower the limits California currently allows for division of property under California's Spousal Impoverishment provisions; and

WHEREAS, The act will also affect California's transfer of assets statutes, possibly making a person who gives away or sells his or her resources for less than fair market value ineligible for Medi-Cal benefits for up to 30 months; and

WHEREAS, Congress, through this act, has recognized the need to study the advantages of including long-term care as a benefit under Medicare; and

WHEREAS, Congress, through this act, has recognized the need for basic health coverage for nearly 40 million uninsured Americans; and

WHEREAS, Congress has designated committees to study the prospects of expanding Medicare to include long-term care and basic health care for nearly 40 million uninsured Americans; and

WHEREAS, The Legislature of the State of California finds growing dissatisfaction among many of the state's four million senior citizens with several of the provisions of the act; and

WHEREAS, The Legislature also finds the same senior citizens expressing both a strong desire for federal legislation that will protect them against the impoverishment of long-term care costs and a willingness to bear a fair share of the costs for such care; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take immediate action to amend the Medicare Catastrophic Coverage Act of 1988; and be it further

Resolved, That the amendments to the act distribute the costs of the act's new benefits proportionately and fairly among current and future Medicare beneficiaries, as has been previously the practice with both Medicare and Social Security; and be it further

Resolved, That the amendments include provisions to protect Medicare beneficiaries, current and future, against the impoverishing costs of long-term care; and be it further

Resolved, That the amendments allow California to provide more progressive Medi-Cal eligibility requirements in terms of division of community property and transfer of assets; and be it further

Resolved, That the Legislature of the State of California

commends the Congress of the United States for forming exploratory committees to research the feasibility of providing long-term care to Medicare beneficiaries and providing medical protection to the nearly 40 million Americans without health insurance; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the California Commission on Aging, and to the California Senior Legislature.

RESOLUTION CHAPTER 131

Senate Joint Resolution No. 17—Relative to Pearl Harbor Day.

[Filed with Secretary of State September 15, 1989]

WHEREAS, The sneak attack on Pearl Harbor on December 7, 1941, was an act of war perpetrated by a foreign nation on our land; and

WHEREAS, For our future national safety, each generation of Americans should be reminded not to be lulled into a false sense of security, but to remain alert; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to proclaim December 7 as "Pearl Harbor Day," an annual day of national remembrance; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Secretary of State, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 132

Senate Joint Resolution No. 18—Relative to Mather Air Force Base Hospital.

[Filed with Secretary of State September 15, 1989]

WHEREAS, Pursuant to the Base Closure Act (P.L. 100-526), the Secretary of Defense has, in accordance with the recommendations of the Commission on Base Realignment and Closure, ordered the termination of activities at, among other military installations,

Mather Air Force Base in Sacramento; and

WHEREAS, In addition to the military facilities of the base which are scheduled for closure, the base includes an important hospital serving 84,000 retired military personnel and their dependents within the communities of Carmichael, Citrus Heights, East Sacramento, Elk Grove, Fair Oaks, Folsom, Orangevale, Rancho Cordova, Sacramento, and South Sacramento; and

WHEREAS, Mather Hospital provides annually nearly 4,000 inpatient visits and over 205,000 outpatient visits and employs 86 civilians on its staff; and

WHEREAS, The disruption to these persons who depend on the continued operation of the hospital would be devastating if the hospital is closed; and

WHEREAS, Possibilities for the continuation of operations at Mather Hospital include operation by McClellan Air Force Base, a consortium of federal agencies, or by the United States Department of Veterans Affairs; and now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to do everything possible to have the operation of Mather Hospital transferred to another federal agency, such as McClellan Air Force Base or the Department of Veterans Affairs, or to a consortium of federal agencies, rather than ordering its closure; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Defense.

RESOLUTION CHAPTER 133

Senate Joint Resolution No. 25—Relative to the National Guard and Reserve.

[Filed with Secretary of State September 15, 1989]

WHEREAS, The National Guard and Reserve possess a proud history of defending our nation during times of armed conflict; and

WHEREAS, The National Guard and Reserve serve as equal partners with the active duty forces as part of America's total force; and

WHEREAS, Today's National Guard and Reserve possess a greater national defense responsibility than ever before; and

WHEREAS, Members of America's active duty forces and their eligible dependents are granted space available travel on military aircraft outside the continental United States (OCONUS); and

WHEREAS, No additional cost will be incurred by granting members of America's National Guard and Reserve and their eligible dependents OCONUS space available travel; and

WHEREAS, OCONUS space available travel for members of the National Guard and Reserve and their eligible dependents would serve to greatly enhance the recruiting and retention efforts of America's Reserve Components; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress of the United States to direct the Secretary of Defense to authorize space available travel on military aircraft outside the continental United States for members of America's National Guard and Reserve and their eligible dependents; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Defense.

RESOLUTION CHAPTER 134

Senate Joint Resolution No. 30—Relative to the naturalization of Filipino veterans.

[Filed with Secretary of State September 15, 1989]

WHEREAS, In 1942, the United States Congress reestablished the policy it had set forth in World War I, by providing for the naturalization of aliens honorably serving in the armed forces of the United States during World War II; and

WHEREAS, Many Filipino veterans were unable to meet the filing deadline for naturalization under this provision because the United States Attorney General failed to assign an examiner in the Philippines for a crucial nine-month period; and

WHEREAS, Filipinos have subsequently sought redress in the courts for this inequity, only to have favorable decisions overturned on a technicality; and

WHEREAS, On January 19, 1989, H.R. 525 was introduced in the United States House of Representatives to extend the filing period for Filipinos who served in the United States armed forces during World War II to become naturalized citizens of the United States; and

WHEREAS, On January 25, 1989, S. 60 was introduced in the United States Senate, to also extend the filing period for Filipinos who served in the United States armed forces during World War II to become naturalized citizens of the United States; and

WHEREAS, The Department of Justice supports extending the filing period for Filipino war veterans to become naturalized citizens of the United States; and

WHEREAS, The proposed legislation would bring relief to the estimated remaining 60,000 to 80,000 Filipino veterans out of the initial 175,000 to 200,000 troops who risked their lives during World War II, surviving the occupation of the islands and the infamous Bataan Death March, and who, now in their mid-60's to mid-90's, have been battling for years to become United States citizens; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to act favorably on legislation pertaining to the naturalization of Filipino veterans of the United States armed forces; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the California Congressional delegation.

RESOLUTION CHAPTER 135

Senate Joint Resolution No. 32—Relative to oil tanker accidents.

[Filed with Secretary of State September 15, 1989.]

WHEREAS, A huge oil spill recently occurred in Alaska's Prince William Sound involving the supertanker Exxon Valdez, which has caused significant environmental degradation; and

WHEREAS, The Exxon Valdez accident bears disquieting similarities to a tragic incident off Point Reyes, California, in May 1986 when the Keystone Co. tanker Golden Gate ran down a San Francisco fishing vessel, the Jack Jr., and sank her with all hands; and

WHEREAS, Both the Exxon Valdez incident and the Golden Gate/Jack Jr. collision occurred after the time when day workers had been relieved from their duties, and the masters were not on the bridge, as a consequence of which adequate lookouts were not present on the bow nor was an extra officer detailed to handle vital radar observation; and

WHEREAS, The United States Coast Guard is allowing vessel operators to reduce the manning levels on board United States flag ships, and Exxon and others have applied or are applying to reduce the manning level on ships such as the Exxon Valdez from 24 to 14 crew members, thereby inviting even more disasters at sea and in our bays and harbors; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature urges Congress and appropriate federal

agencies, respectively, to take expeditious legislative and regulatory action to prevent calamities such as the Exxon Valdez disaster from occurring again; and be it further

Resolved, That Congress should consider requiring implementation aboard merchant ships of a special sea detail system which is used by the United States Navy to augment the watch with extra persons when a vessel is departing, arriving, or traversing dangerous waters, and that, at the very least, the master would be required to remain on the bridge until the vessel has cleared port and is clear of the offshore sea lanes; and be it further

Resolved, That the Coast Guard should abandon its practice of permitting reductions in manning levels, and should commence immediate steps to increase manning requirements for the engine room and other appropriate locations to ensure a vessel's ability to perform essential maneuvers and to conform to the policy of the United States and many individual states, including California, to train new merchant marine officers; and be it further

Resolved, That the Coast Guard should resolve any conflict between operating costs and appropriate safety measures in favor of increased safety; and be it further

Resolved, That, with respect to tankers of over 10,000 tons, installation and use of safety devices such as automatic radar plotting aids (ARPA), should be required by Coast Guard regulation so that the ship's navigational and safety equipment is operable before the ship leaves port, and these devices are operated by experienced persons; and be it further

Resolved, That the vessel traffic systems in all United States ports, including Valdez and San Francisco, should have the authority to order vessels to take actions such as making course and speed changes and remaining in the traffic lanes; and be it further

Resolved, That Congress and appropriate federal agencies, respectively, include within the scope of the above-proposed legislative and regulatory action all vessels which enter the 200 mile exclusive economic zone of the United States to ensure that safety measures are uniformly adopted within that zone; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Commandant of the United States Coast Guard, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 136

Assembly Concurrent Resolution No. 10—Relative to the Ontario Freeway.

[Filed with Secretary of State September 21, 1989]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the portion of State Highway Route 15 from its intersection with State Highway Route 215 at Devore, to the Limonite Avenue exit immediately south of the State Highway Route 60 interchange, is hereby officially designated the Ontario Freeway; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation and to the City Clerk of the City of Ontario.

RESOLUTION CHAPTER 137

Assembly Concurrent Resolution No. 15—Relative to merit awards.

[Filed with Secretary of State September 21, 1989]

WHEREAS, Section 19823 of the Government Code provides that awards in excess of \$3,000, when approved by concurrent resolution of the Legislature, may be made to state employees for adopted proposals; and

WHEREAS, An award of \$3,000 has already been made to Marcella F. Enos and Robert Bernstein of the State Department of Health Services for a proposal, resulting in annual savings of \$1,783,753, that Medi-Cal payments to out-of-state hospitals be assessed at the same rate used by the state in which the hospitalization occurred; and

WHEREAS, An award of \$3,000 has already been made to Dawn L. Lieginger of the State Department of Health Services for a proposal, resulting in annual savings of \$34,962, by developing a multimonitoring form which permits the entry of up to seven separate chemical analyses from one source onto a single form rather than utilizing a separate form for the entry of each analysis onto a data base; and

WHEREAS, An award of \$3,000 has already been made to Gina Williams, Department of Motor Vehicles, for a proposal, resulting in a net revenue gain of \$38,914, that unpaid checks for registration fees be marked as errors on department computers to facilitate seizure and sale order issuance and fee recovery; and

WHEREAS, An award of \$3,000 has already been made to Wanda J. Goodro, Department of Motor Vehicles, for a proposal, resulting in annual savings of \$175,218, that a new Type Transaction Code (TTC) be created for the department computer system to bypass computer screens unnecessary for particular actions; and

WHEREAS, An award of \$3,000 has already been made to Carolyn K. Cascarano, Department of Motor Vehicles, for a proposal, resulting, in annual savings of \$46,414, that teletype requests for

certified copies of Department of Motor Vehicles records be formatted to accommodate window envelopes; and

WHEREAS, An award of \$3,000 has already been made to Victor O. Nava and Dale Sievert of the Department of Transportation for a proposal, resulting in annual savings of \$31,218, for designing for use in the Special Workers Program a utility trailer with a portable toilet and an area for tools; and

WHEREAS, An award of \$3,000 has already been made to Byron L. Hauger of the Department of Transportation for a proposal, resulting in annual savings of \$94,792, that 6- by 8-inch wood sign posts be purchased in 24- and 28-foot lengths in lieu of Type M laminated box beam sign supports; and

WHEREAS, An award of \$3,000 has already been made to Jim C. Haggard, Department of Transportation, for a proposal, resulting in annual savings of \$43,618, that attenuators be repaired by department personnel rather than be returned for repair to the manufacturer; and

WHEREAS, An award of \$3,000 has already been made to Alice M. Ong of the Department of Transportation for a proposal, resulting in combined annual savings and increased revenues of \$103,866, by reducing the number of brochures necessary for excess land sales through the implementation of a \$10 subscription fee; and

WHEREAS, These employee's proposals have resulted in the net revenue gain and annual savings amounting to \$2,352,755; and

WHEREAS, As a result of these revenues and savings, it is unnecessary to appropriate additional funds for payment of awards to these employees; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby declares that the following additional awards, authorized by the Department of Personnel Administration, are hereby made as follows to the employees named:

Marcella F. Enos, \$105,225;

Robert Bernstein, \$70,150;

Dawn L. Lieginger, \$496;

Gina Williams, \$891;

Wanda J. Goodro, \$14,522;

Carolyn K. Cascarano, \$1,641;

Victor O. Nava, \$61;

Dale Sievert, \$61;

Byron L. Hauger, \$6,479;

Jim C. Haggard, \$1,362;

Alice M. Ong, \$7,387; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the Controller, and to the Department of Personnel Administration.

RESOLUTION CHAPTER 138

Assembly Concurrent Resolution No. 21—Relative to honoring President Ronald Reagan.

[Filed with Secretary of State September 21, 1989]

WHEREAS, President Ronald Reagan has returned to his home state of California after serving eight years as President of the United States; and

WHEREAS, President Ronald Reagan was the first President in three decades to have served two full terms, and the first Governor of California to be elected President of the United States; and

WHEREAS, Public opinion polls show that President Ronald Reagan left office with one of the highest approval ratings of any modern President; and

WHEREAS, Under President Ronald Reagan's leadership, inflation and interest rates were cut by more than half, a record number of new jobs was created and unemployment was reduced, and historic tax reform measures were implemented; and

WHEREAS, The United States, during President Ronald Reagan's term in office, has undergone its longest economic expansion in forty years;

WHEREAS, Under President Ronald Reagan's leadership, an important arms reduction treaty was signed with the Soviet Union and tensions between the superpowers were reduced to a post-World War II low; and

WHEREAS, During his eight years as Chief Executive, the enunciation of the "Reagan Doctrine" saw not one inch of ground lost to Communist domination; and

WHEREAS, President Ronald Reagan, during his term in office faced many personal challenges, including recovery from an assassination attempt and cancer surgery; and

WHEREAS, President Ronald Reagan and the Nation's First Lady led the fight against illegal drug use through their "Just Say No" campaign; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature, with the deepest admiration and respect, thank President Ronald Reagan for his service to his nation and state, and wish him and First Lady Nancy Reagan every happiness in the future.

RESOLUTION CHAPTER 139

Assembly Concurrent Resolution No. 39—Relative to the state park system.

[Filed with Secretary of State September 21, 1989]

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the Department of Parks and Recreation is requested to update a July 1974 study entitled "Napa-Solano Skyline Project (Napa State Hospital Surplus Land) Feasibility Study" regarding the feasibility of acquiring and developing lands adjacent to the Napa State Hospital for inclusion, together with other state-owned lands in the vicinity, in the state park system; and be it further

Resolved, That the department undertake new studies and surveys as needed, after consultation with state and local governments, local mental health organizations, and organizations concerned with the developmentally disabled, in order to revise the previously published study, as appropriate; and be it further

Resolved, That the department submit its updated findings and recommendations to the Legislature not later than March 30, 1990; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Parks and Recreation.

RESOLUTION CHAPTER 140

Assembly Concurrent Resolution No. 40—Relative to energy resources.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, California's homes and businesses use natural gas as the fuel of choice for home and space heating; many farms, factories, offices, and commercial establishments use natural gas as the fuel of choice for the heat applied in their processes; oil producers and refiners and heavy manufacturers use natural gas as the fuel of choice in their industrial processes; and electric utilities and cogenerators use natural gas as the fuel of choice for electricity generation in this state; and

WHEREAS, Nearly 40 percent of California's total energy supply is produced by burning natural gas, making this state the second largest market for natural gas in the United States; and

WHEREAS, Natural gas is a cornerstone of an air quality program that attempts to achieve air quality improvements in this state through increased utilization of clean fuels; and

WHEREAS, Security of supply for the natural gas resources

consumed in California is a critical element in maintaining the well-being of California's people and their economy; and

WHEREAS, California buyers procure 85 percent of the natural gas they consume from sources outside of this state's borders, scattered over most of the North American continent, and are benefited by easy access to producers of natural gas in all producing regions of North America; and

WHEREAS, A reliable, efficient, and economical delivery system for transporting gas from all producing areas into California is an essential element in maintaining supply security and in sustaining the opportunities for this state in the continentwide competition for gas supplies; and

WHEREAS, At the present, various applications are pending for the right to construct gas pipeline facilities to and into this state before the Federal Energy Regulatory Commission; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the policy of the State of California is to support and encourage the issuance of permits for the construction of interstate pipeline facilities that comply with applicable state and federal laws regulating environmental quality for the transportation of natural gas to customers for use within this state, in order that California gas customers have the broadest array of options for the procurement of the gas they consume; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, and the Federal Energy Regulatory Commission.

RESOLUTION CHAPTER 141

Assembly Concurrent Resolution No. 55—Relative to respite care.

[Filed with Secretary of State September 21, 1989]

WHEREAS There is a need for respite care services for caretakers responsible for providing care to the frail elderly; and

WHEREAS It is recognized that respite care services may prevent the unnecessary institutionalization of the frail elderly who could be cared for at home; and

WHEREAS, Many primary caretakers are becoming disabled due to the strain of caring for chronically ill loved ones 24 hours a day without any kind of respite; and

WHEREAS, There are few existing resources offering respite care especially to middle income caretakers; and

WHEREAS, Many chronically ill persons are being forced into early costly confinement in long-term care health facilities due to the

inability of the primary caretaker to stand the strain of giving 24-hour care continuously; and

WHEREAS, Those organizations and volunteers that might provide respite care are discouraged from doing so because of the high cost of insurance and the fear of litigation; and

WHEREAS, The California Commission on Aging is charged with the responsibility of being the principal advocate for older persons in California; and

WHEREAS, The commission's objective is to ensure that the interests of older persons in California are represented by advising the Governor, Legislature, Department of Aging, and agencies at all levels of government regarding the problems and needs of older persons; and

WHEREAS, The commission received in excess of \$100,000 for each of the past three fiscal years from the tax checkoff fund for the purpose of providing direct services to seniors; be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Commission on Aging is hereby requested to consider providing funding for a voluntary respite care program to be administered by the Department of Aging; and be it further

Resolved, That the program provide the volunteers participating in the program with training, transportation costs, and insurance coverage, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the California Commission on Aging and the Department of Aging.

RESOLUTION CHAPTER 142

Assembly Concurrent Resolution No. 66—Relative to Amtrak service.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The Department of Transportation contracted with the National Railroad Passenger Corporation (Amtrak) for the operation of overnight rail passenger service between Sacramento, the San Francisco Bay area, Santa Barbara, and Los Angeles between 1981 and 1983; and

WHEREAS, Since the discontinuation of that service, a number of factors have changed, including a substantial increase in air fares, the negotiation by Amtrak of more efficient and less costly operating rules, and the increasing popularity of rail passenger service on other California corridors, most notably the Los Angeles to San Diego corridor and the San Joaquin Valley corridor; and

WHEREAS, It is possible that an overnight rail service under these

more positive circumstances could succeed; and

WHEREAS, Due to long lead times in securing appropriate rolling stock for an overnight rail passenger service, it is appropriate to reevaluate the potential viability of a restored overnight service between Sacramento, the San Francisco Bay area, Santa Barbara, and Los Angeles; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Transportation is hereby requested to evaluate the potential operating characteristics of overnight rail passenger service between Sacramento, the San Francisco Bay area, Santa Barbara, and Los Angeles as part of the annual rail passenger development plan prepared pursuant to Section 14036 of the Government Code; and be it further

Resolved, That the operating results for patronage and financial performance achieved for this service between 1981 and 1983 be appropriately adjusted to reflect actual changed circumstances and possible adjustments to the provision of service, including, but not limited to, all of the following:

- (1) Higher air fares between northern and southern California.
- (2) The availability of Amtrak coach excursion fares, including the successful "seven dollar return fare" in effect on other routes operated under contract with the department.
- (3) New, more efficient Amtrak train crewing agreements.
- (4) More favorable Amtrak accounting practices relating to allocation of operating and equipment costs.
- (5) The impact of extensions of service to San Diego, San Francisco, Riverside, and Reno.
- (6) The impact of added station stops in the San Fernando Valley, the Fremont/Newark area, Gilroy, Roseville, and elsewhere.
- (7) The impact of schedules which would result in a southbound arrival time in Santa Barbara not earlier than 6 a.m.
- (8) The impact of providing appropriate equipment for the trains, consisting of comfortable reclining seat coaches and economy sleepers, and the provision of onboard showers available to all passengers either on a complementary or fee basis; and be it further

Resolved, That the department analyze these impacts and determine whether a reasonable likelihood exists that overnight service between Sacramento, the San Francisco Bay area, Santa Barbara, and Los Angeles would be able to comply with the state-mandated efficiency standards within the time specified in Section 14031.8 of the Government Code; and be it further

RESOLVED, That the department consider in its analyses, all data, information, findings, and recommendations developed by past and current rail corridor studies that have been requested by the Legislature, including studies of the Auburn-Sacramento-San Jose, Los Angeles-San Diego, Los Angeles-San Bernardino, and Los Angeles-Santa Barbara corridors; and be it further

Resolved, That the department cooperate with Amtrak to obtain the information needed to properly assess the potential success of

overnight rail passenger service; and be it further

Resolved, That, if the department concludes that overnight service between Sacramento, the San Francisco Bay area, Santa Barbara, and Los Angeles could reasonably be expected to comply with the state's efficiency standards, the department include in its analysis an estimate of equipment needs and costs, as well as annual operating costs, and a recommendation of appropriate equipment for this service; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 143

Assembly Concurrent Resolution No. 67—Relative to minority and women business enterprises.

[Filed with Secretary of State September 21, 1989]

WHEREAS, Chapter 61 of the Statutes of 1988 requires that contracts awarded by the state have statewide participation goals of not less than 15 percent for minority business enterprises and 5 percent for women business enterprises; and

WHEREAS, Emergency regulations to implement Chapter 61 of the Statutes of 1988 may be adopted pursuant to Section 10115.3 of the Public Contract Code; and

WHEREAS, The Department of General Services through the Office of Legal Services has prepared model draft regulations which authorize self-certification of minority and women business enterprises; and

WHEREAS, If adopted as emergency regulations, public hearings would not be required prior to adoption of those regulations; and

WHEREAS, Numerous minority and women business associations, through telephone calls and correspondence to various Legislators and in testimony to the Public Procurement Advisory Committee, have expressed opposition to the use of self-certification because it invites fronts and fraud; and

WHEREAS, The Legislature is concerned that self-certification invites fronts and fraud and may jeopardize the success of the state's affirmative action program; and

WHEREAS, An independent audit of utility companies using self-certification procedures revealed that as many as 30 percent of minority owned companies and 60 percent of women owned companies are fronts; and

WHEREAS, The rules and regulations adopted by the Department of Transportation to implement its socially and economically disadvantaged businesses participation program have been very successful in preventing fraud and fronts; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California urges the Department of General Services not to adopt its proposed draft emergency regulations; and be it further

Resolved, That the Department of General Services is urged to develop new statewide certification regulations that do not include self-certification; and be it further

Resolved, That these regulations include identifiable standards for determining "good faith efforts"; and be it further

Resolved, That the rules and regulations adopted by the Department of Transportation be used as a model in developing certification regulations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Secretary of State and Consumer Services and to the Director of General Services.

RESOLUTION CHAPTER 144

Assembly Concurrent Resolution No. 76—Relative to the F. Walter Sandelin Memorial Bridge.

[Filed with Secretary of State September 21, 1989]

WHEREAS. The State of California has completed a project in southern Mendocino County to expand Highway 101 which includes a new bridge over the Russian River; and

WHEREAS. It is appropriate to name this bridge in honor of a person who was instrumental in supporting and developing the expansion of Highway 101 to a four-lane status; and

WHEREAS, F. Walter Sandelin, who was born March 8, 1897, and who died May 15, 1984, was a dedicated advocate of Highway 101 expansion through his active membership in the Redwood Empire Association and service on the California Highway Commission from 1943 to 1956; and

WHEREAS, F. Walter Sandelin was appointed by Governor Earl Warren as a California Highway Commissioner and was reappointed by Governor Goodwin Knight, and he well and ably represented the north coast on the commission, significantly improving the state highway system, including Highway 101; and

WHEREAS, F. Walter Sandelin was also a member of a pioneer family in Mendocino County and was the owner and host of the Palace Hotel in Ukiah from 1919 through 1966; and

WHEREAS, It is appropriate that this modern bridge be designated the F. Walter Sandelin Memorial Bridge in recognition of his efforts to improve the state highway system; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate

thereof concurring, That the recently constructed bridge crossing the Russian River in southern Mendocino County on Highway 101 be officially designated the "F. Walter Sandelin Memorial Bridge"; and be it further

Resolved, That the Department of Transportation be directed to determine the cost of erecting the appropriate plaques and markers, consistent with the signing requirements for the state highway system, showing the official designation, and upon receiving donations from private sources covering that cost, to erect those plaques and markers; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 145

Assembly Concurrent Resolution No. 77—Relative to California Rideshare Week.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, Ridesharing is the most cost-effective way to reduce air pollution and traffic congestion; and

WHEREAS, Ridesharing represents a way for both the private and public sectors to work together to combat crippling smog and congestion; and

WHEREAS, The increased use of ridesharing, including carpooling and vanpooling, and other alternative forms of transportation such as public transit, bicycling, and walking, are essential in order to meet state and federal clean air goals; and

WHEREAS, The increased use of ridesharing will help traffic on our freeways and road systems move smoothly; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of October 1 to 7, inclusive, 1989, is proclaimed California Rideshare Week, and that all Californians are urged to use and support rideshare services and other alternative forms of transportation, including public transit, bicycling, and walking, during that week and throughout the coming year.

RESOLUTION CHAPTER 146

Assembly Concurrent Resolution No. 80—Relative to the 25th Anniversary of the Mississippi Freedom Summer.

[Filed with Secretary of State September 21, 1989]

WHEREAS, June of 1989 marks the 25th Anniversary of the Mississippi Freedom Summer, during which thousands of students, doctors, ministers, teachers, and other volunteers, including many Californians, journeyed to Mississippi to join with civil rights workers from throughout the South in registering Blacks to vote; and

WHEREAS, Within the first week of the Mississippi Freedom Summer, three civil rights workers—James Earl Chaney, Michael Schwerner, and Andrew Goodman—were brutally murdered by the Ku Klux Klan simply for attempting to register Black Mississippians; and

WHEREAS, In the long and difficult fight for voting rights in the South, dozens of citizens, both black and white, were murdered and thousands of others were jailed for their commitment to justice and the United States Constitution; and

WHEREAS, Voting is a precious right at the very foundation of democracy for which Americans have fought and died for; and

WHEREAS, On the 25th Anniversary of the Mississippi Freedom Summer, justice loving Californians and citizens all over the nation are united by a concern that racial, ethnic, and religious intolerance still pose a serious threat to our society and must be addressed at the local, state, and national level; and

WHEREAS, On the 25th Anniversary of the Mississippi Freedom Summer, all Americans committed to justice take this opportunity to recommit themselves to racial tolerance, democracy, and the right to vote and recall the words of Abraham Lincoln, spoken on the Gettysburg battlefield: "It is for us the living to dedicate ourselves that these dead shall not have died in vain"; and

WHEREAS, On the 25th Anniversary of the Mississippi Freedom Summer, the sacrifices of Goodman, Schwerner, and Chaney, and those other courageous individuals who were beaten, jailed, or slain for their strivings to lift the weight of oppression from Mississippi, inspire all of us to continue to work towards racial harmony and democratic participation and thereby make America a stronger and better place and an example for the world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California commends the young people, organized by the group known as "Human Serve," who will participate in a national caravan from Philadelphia, Mississippi, to New York City with the goal of registering 50,000 New Yorkers to vote; and be it further

Resolved, That the Legislature of the State of California recognizes the commemorative events planned by veterans of the Mississippi Freedom Summer for June 3, 1989, in Los Angeles, California, for June 17, in Oakland, California, for June 21, in Philadelphia, Mississippi, and for June 24, in New York City, and urges all Californians to remember and be inspired by the historic events of the summer of 1964 and apply the values learned during that summer to the challenges of the present day.

RESOLUTION CHAPTER 147

Assembly Concurrent Resolution No. 81—Relative to the Joint Committee on the Seriously Mentally Disordered.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, In California, one million people, the mentally ill and their families, are directly affected by mental illness; and

WHEREAS, An enormous public expenditure is associated with mental illness to the effect of an estimated \$2.5 billion a year in California, including mental health, welfare, and penal system costs; and

WHEREAS, New breakthroughs in technology and in the biomedical, biogenetic, and biochemical sciences have set the stage for productive explorations of the human brain and its interaction in psychological, behavioral, and environmental influences and their effects; and

WHEREAS, California, with its vast bioindustrial and scientific resources, could position itself to take the lead in this new and promising research arena; and

WHEREAS, The potential economic benefits can be enormous as a result of the increased influx of research capital to our scientific community as well as the avoidance of public expenditure, personal suffering, and family burden; and

WHEREAS, A massive influx of capital into the state's research capacity would have a profound effect on the universities and the appropriate private sector corporations; and

WHEREAS, California has, within its borders, more outstanding scientists and research facilities than any other state or nation in the world, with the capability to undertake organized investigation into anomalies of brain function that produce mental illness; and

WHEREAS, The Legislature recognizes the opportunity for California to become a potential leader in mental illness research and recognizes the need to position the state for opportunities in the forthcoming major scientific venture of human brain and biopsychosocial research; and

WHEREAS, An aggressive stance should be taken by California in order to target and attract existing public and private foundation funding; and

WHEREAS, A formula is needed for mobilizing California's scientific resources in an organized program of research and locating the public and private financing for this activity; and

WHEREAS, A single entity, consisting of Members of the Legislature who share a common interest in the field of mental illness research, assisted by an advisory panel, comprised of highly knowledgeable and motivated persons, including persons from the scientific, medical, business, and consumer communities, could serve as a catalyst through which California could target and capture both

private and public mental illness research funding; and

WHEREAS, This single entity could have the prestige, credibility, contacts, and knowledge of the field of mental illness and should be established for the purpose of implementing this resolution; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That:

(a) The Joint Legislative Committee on Mental Health Research is hereby established and authorized to do all of the following:

(1) Assess the current state of research activities in California relating to the causes, mitigating factors, and the prevention of mental illness.

(2) Assess the level of interest in the scientific and bioindustrial community in researching the causes, mitigating factors, and the prevention of mental illness.

(3) Gather information concerning current and potential sources of financial support for biopsychosocial brain research.

(4) Consider various methods of organizing, coordinating, and providing leadership to a research program.

(5) Explore potential public or private partnership arrangements.

(6) Draft legislation, as required.

(b) Pursuant to Joint Rule 36.5, the joint committee shall consist of three Members of the Senate, appointed by the Committee on Rules thereof, and three Members of the Assembly, appointed by the Speaker thereof.

(c) The committee shall have the following additional powers and duties:

(1) To appoint an advisory panel of no more than 16 members, consisting of a representative of the State Department of Mental Health, outstanding business leaders, and consumers who are knowledgeable in the various areas being studied, as well as experts in the research or treatment of the mentally ill, to assist the committee and staff. The advisory panel members shall serve at the discretion of the committee. The advisory panel shall report directly to the committee.

(2) To exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time which provisions are incorporated herein and made applicable to this committee and its members.

(3) To contract, subject to approval of the Joint Rules Committee, with other agencies, public or private, as necessary to obtain services or studies which will assist the committee in carrying out its responsibilities.

(4) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

(d) The committee shall, by January 31, 1991, submit to the Legislature a final report on its recommendations, including, but not

limited to, its findings on the state of current and possible future endeavors by California in the field of mental illness research, and any relevant legislative recommendations to address the committee's findings.

(e) The chairperson and the vice chairperson, in consultation with the other committee members, shall appoint an executive director and any other expert technical staff as may be required.

(f) The Assembly Committee on Rules may make any money available from the Contingent Fund of the Assembly that it deems necessary for the expenses of the committee and its members. Any such expenditure of funds shall be made in compliance with policies set forth by the Assembly Committee on Rules and shall be subject to the approval of the Assembly Committee on Rules.

(g) The committee shall, within 15 days of authorization, and annually thereafter, present its annual budget to the Assembly Committee on Rules for its review and comment.

(h) The committee is authorized to act until January 31, 1991, or until the date that a final report as described in subdivision (e) is submitted to the Legislature, whichever is earlier, at which time the committee shall terminate.

(i) The Chief Clerk of the Assembly shall transmit copies of this resolution to the Governor, the Chairperson of the Assembly Rules Committee, the Chairperson of the Senate Rules Committee, the State Director of Mental Health, and the directors of other appropriate departments within state government.

RESOLUTION CHAPTER 148

Assembly Concurrent Resolution No. 82—Relative to California Off-Road Vehicle Day.

[Filed with Secretary of State September 21, 1989]

WHEREAS, Off-road vehicle sports benefit and promote the family unit because all members of the family can participate together in these sports, away from the pressures of city life, and this provides increased opportunity for healthy family communication; and

WHEREAS, Vast remote areas of the desert, otherwise inaccessible to a majority of people, due to inexperience in hiking long distances or disabilities, can be enjoyed in designated areas through the use of off-road vehicles; and

WHEREAS, Off-road vehicle enthusiasts have helped to increase California's economy to such an extent that every major manufacturer of off-road motorcycles has its headquarters in southern California; and

WHEREAS, Advanced technology, including high-performance

engines and state-of-the art suspensions, were developed and continue to be perfected for off-road vehicle racing, resulting in improvements in the technology of motor vehicles in general; and

WHEREAS, One of the most significant contributors to these technological advancements was Mickey Thompson, who is generally regarded as the father of modern, professional off-road vehicle racing; and

WHEREAS Mickey Thompson had a long and varied international racing career, during which he set many speed and endurance records and eventually became a highly successful promoter of closed-course desert racing; and

WHEREAS, In the course of his racing activities, Mickey Thompson sought to instill youth with pride in the automotive industry by granting regular scholarships to high school students who exhibited talents in this area, and he took every opportunity to turn youth away from harmful substances such as drugs and alcohol; and

WHEREAS, Danny Thompson, the first born child of Mickey Thompson, was born on October 28, 1949, and has become an avid off-roader and has continued to carry on the family's racing tradition; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That Mickey Thompson's effective leadership, example to youth, and enduring contributions to the sport of off-road vehicle racing be recognized by proclaiming October 28, 1989, and October 28 of each year thereafter, as California Off-Road Vehicle Day.

RESOLUTION CHAPTER 149

Assembly Concurrent Resolution No. 83—Relative to the massacre at Tiananmen Square.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The massacre of unarmed students and civilians by the armed forces in Beijing on June 4, 1989, has been followed by acts of repression throughout the People's Republic of China; and

WHEREAS, Having witnessed the mass slaughter of their fellow students, many of the nearly 3,000 citizens of the People's Republic of China studying at California colleges and universities are afraid to return to their homeland; and

WHEREAS, While the United States government will permit Chinese nationals to remain beyond the expiration of their visas until June 5, 1990, a substantial number of Chinese students who had planned to return prior to the Tiananmen Square horror now face considerable obstacles in their efforts to continue studying in California, including a depletion of financial resources; and

WHEREAS, Students who are forced to return to China may face persecution, arrest, and even execution, in part for participation in peaceful demonstrations in support of democracy and the students at Tiananmen Square; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests all California public colleges and universities to provide appropriate assistance, including visa, residency and asylum counseling, housing and employment placement, financial advising, and psychological counseling, to citizens of the People's Republic of China who have been studying in this state and who fear returning to the danger and repression in their country; and be it further

Resolved, That the Legislature encourages colleges and universities to provide tuition waivers and other financial support to Chinese students who demonstrate emergency need; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to all institutions of higher education in California.

RESOLUTION CHAPTER 150

Assembly Concurrent Resolution No. 85—Relative to the San Diego-Coronado Bridge.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The 11,759-foot-long bridge spanning the San Diego Bay and linking the cities of San Diego and Coronado, opened 20 years ago; and

WHEREAS, The bridge initially carried a modest number of cars and trucks but now exceeds 50,000 vehicles per day; and

WHEREAS, The bridge is a major link to the military establishments in San Diego and Coronado; and

WHEREAS, The bridge was constructed with aesthetics in mind, being pleasing to the eye as well as functional; and

WHEREAS, The bridge is the dominant feature on the San Diego skyline; and

WHEREAS, The bridge has never been officially named, and is referred to by a variety of names; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate, thereof concurring, That the bridge spanning the San Diego Bay, in honor of its 20th anniversary, is hereby officially designated the San Diego-Coronado Bridge; and be it further

Resolved, That the Department of Transportation is directed to erect suitable plaques and markers on the bridge; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 151

Assembly Concurrent Resolution No. 87—Relative to executive branch capital investment.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, The Department of General Services is about to make a massive capital investment of over one hundred million dollars (\$100,000,000) in a state telecommunications facility known as CALNET; and

WHEREAS, CALNET would be a state technological undertaking without precedent, larger than any other nonfederal telecommunications system, and would determine how the state does its business into the next century; and

WHEREAS, The department intends to use a revolving fund appropriated for general telecommunications services to fund CALNET and did not identify CALNET as a separate item in the Governor's Budget; and

WHEREAS, The constitutional principle of checks and balances between the executive and legislative branches must be respected if the budget approval process is to facilitate the successful operation of state government; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the intent of the Legislature to require every significant capital investment undertaken by the executive branch agencies in the future to be separately identified in the Governor's Budget and authorized by the Legislature; and be it further

Resolved, That a copy of this resolution be delivered to the Governor and the Director of General Services.

RESOLUTION CHAPTER 152

Assembly Concurrent Resolution No. 88—Relative to the Public Procurement Advisory Committee.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The State of California has historically been committed to evaluating and enacting cost saving measures in the operation of government; and

WHEREAS, The State of California, the California State University, and the University of California expend in excess of \$4 billion annually in procuring goods, services, and construction exclusive of the indirect costs of procurement personnel, including those of control agencies; and

WHEREAS, Procurement activities continue to grow in

complexity and cost; and

WHEREAS, In 1983, the Public Procurement Advisory Committee was created to study, investigate, and analyze state public procurement of goods, services, and construction in California, including procurement by the California State University and by the University of California, and to submit its recommendations to the Governor and the Legislature by January 1, 1985; and

WHEREAS, In 1984, the mandate of the Public Procurement Advisory Committee was extended until January 1, 1990, with the provision that in order to effectuate cost savings in the state procurement of goods, services, and construction in California, it was essential that the Governor and the Legislature continue to receive annual recommendations from the Public Procurement Advisory Committee; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That:

(1) The Public Procurement Advisory Committee continue its mandate to study, investigate, and analyze state public procurement of goods, services, and construction in California, including procurement by the California State University and by the University of California; and

(2) The Public Procurement Advisory Committee shall be selected from recognized leaders in the procurement community in California and shall consist of the following:

- (a) A Member of the Senate.
- (b) A Member of the Assembly.
- (c) The Senate Rules Committee shall designate three committee members.
- (d) The Assembly Speaker shall designate three committee members.
- (e) The Governor shall designate three committee members.
- (f) The Director of General Services shall designate one committee member.
- (g) The Director of Transportation shall designate one committee member.
- (h) The Trustees of the California State University shall designate one committee member.
- (i) The Regents of the University of California shall designate one committee member.

(3) The Public Procurement Advisory Committee shall annually submit its recommendations to the Governor and the Legislature by January 1 of each year. The committee shall terminate on January 31, 1991.

(4) Any funding of the Public Procurement Advisory Committee shall be provided exclusively from moneys allocated for that purpose from the Assembly Contingent Fund.

RESOLUTION CHAPTER 153

Assembly Concurrent Resolution No. 89—Relative to the Commission on Peace Officer Standards and Training.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The Commission on Peace Officer Standards and Training (POST), which is within the Department of Justice, is responsible for administering numerous law enforcement training and certification programs; and

WHEREAS, Under existing law, adequate instruction and training in the handling of persons with developmental disabilities or mental illness, or both, is included in the basic POST training course for law enforcement officers; and

WHEREAS, Under existing law, the visually impaired or blind and the hearing impaired or deaf are not included in the definition of "developmental disabilities" for these training purposes; and

WHEREAS, POST currently does not offer basic training to sensitize or educate law enforcement officers about the visually impaired or blind and the hearing impaired or deaf; and

WHEREAS, There is a need to include in the POST training curricula, education which will help peace officers develop skills to distinguish those who are visually impaired or blind and the hearing impaired or deaf from those who are not; and

WHEREAS, There is currently no POST training which teaches law enforcement officers to readily distinguish various aids and instruments used by the visually impaired or blind and the hearing impaired or deaf from prohibited weapons; and

WHEREAS, Law enforcement officers would benefit from refresher courses on current law, such as Part 2.5 (commencing with Section 54) of Division 1 of the Civil Code, otherwise known as "The White Cane Law;" now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof, concurring, That the Legislature encourages POST to develop, in consultation with appropriate groups and individuals having an interest and expertise in this area, a course of training relating to the treatment of the visually impaired or blind and the hearing impaired or deaf; and be it further

Resolved, That the Chief Clerk of the Assembly immediately transmit a copy of this resolution to the Commission on Peace Officer Standards and Training.

RESOLUTION CHAPTER 154

Assembly Concurrent Resolution No. 91—Relative to the coastweeks and the California Coastal Cleanup Day.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The State of California has a varied coastline of sandy beaches, rocky shores, productive estuaries, marshes, tidal flats, urban areas, and harbors; and

WHEREAS, The coast provides a rich scenic, recreational, cultural, and historical heritage; and

WHEREAS, The natural resources of the coastal zone are among California's most important environmental and economic resources; and

WHEREAS, The marine environment is one of the most valuable resources for recreation, tourism, fishing, and other coastal industries; and

WHEREAS, The Legislature is strongly committed to the wise management of the coastline, including waste reduction, recycling, conservation, and beautification, to ensure that the environmental and economic value of the coastal zone will be sustained; and

WHEREAS, Preserving the productivity and quality of coastal resources requires public awareness and support and an understanding that protection of the coast is a responsibility shared by individual citizens, the business community, and public institutions; and

WHEREAS, Californians are now adopting beaches year round through the California Coastal Commission's adopt-a-beach program; and

WHEREAS, From September 16 to October 9, 1989, inclusive, the California Coastal Commission will be sponsoring coastal activities throughout the state during these national coastweeks; now, therefore, be it

Resolved that the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby declares the weeks of September 16 to October 9, 1989, inclusive, as coastweeks, and the day of September 23, 1989, as Adopt-A-Beach Coastal Cleanup Day; and be it further

Resolved, That individual citizens, businesses, groups, and public institutions are encouraged to observe this event and to participate in appropriate activities designed to promote a healthy and productive coastal environment for the benefit of the people of California and the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the California Coastal Commission for distribution to interested parties.

RESOLUTION CHAPTER 155

Assembly Concurrent Resolution No. 93—Relative to Computer Learning Month.

[Filed with Secretary of State September 21, 1989]

WHEREAS, “Computer Learning Month” began in 1987 as a national project whose overall goal is increasing the numbers of people receiving the benefits offered by technology; and

WHEREAS, In 1988 “Computer Learning Month” was established as a nonprofit educational foundation and has expanded the scope of its activities to include the use of computers at home and at work; and

WHEREAS, A number of educational, business, and public interest groups across the nation have plans underway to focus attention on computer learning during October 1989; and

WHEREAS, Forty-seven states, in addition to Puerto Rico and the District of Columbia, have officially endorsed the Computer Learning Month Foundation and the 1989 “Computer Learning Month’s” activities; and

WHEREAS, California’s recognition of “Computer Learning Month” will give emphasis and support to programs important to the education of our youth, important to their future productivity, and important to the competitiveness of our state; and

WHEREAS, It is widely recognized that California’s economic strength and ability to compete in the global marketplace depends on the ability of our state’s educational system to prepare students to work in businesses and factories facing rapid technological change, and that competency in the use of computers is a basic tool in that preparation; and

WHEREAS, The focus of the Computer Learning Foundation in 1989 is on activities designed to assist teachers to better prepare our youth as well as providing parents with the information they need to become effective users of technology at home; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is hereby requested to proclaim the month of October 1989 as “Computer Learning Month” in California, in recognition of the importance of educating California’s youth about computer technology as a means to secure our state’s preeminence as one of the world’s leaders in advance technology; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 156

Assembly Concurrent Resolution No. 94—Relative to California Employment and Training Week.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The ability to maintain a competitive and productive economy and high standard of living depends on the development and utilization of new technologies; and

WHEREAS, These technologies require many skills currently lacking in the California workforce; and

WHEREAS, Experts in both the public and private sectors predict that a shortage of skilled entry level workers will exist through the remainder of this century; and

WHEREAS, Californians will require skills retraining and upgrading in order to provide a productive and competitive workforce; and

WHEREAS, Young people in California are experiencing higher than normal unemployment rates because many of them lack the skills necessary to perform currently available entry level jobs; and

WHEREAS, These young people will continue to experience higher than normal unemployment rates until they develop the skills necessary to perform the entry level jobs that become available; and

WHEREAS, California's workers facing dislocation due to plant closure and industrial relocation need special training and education to prepare for new jobs and new opportunities; and

WHEREAS, A California Employment and Training Week can serve to focus attention on present and future workforce needs, to encourage public and private cooperation in employment and training efforts and to highlight the effects of technological changes underway in the workplace; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California hereby designates the week of October 29 through November 4, 1989, as California Employment and Training Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 157

Assembly Concurrent Resolution No. 96—Relative to salt substitute use on state highways.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, The use of salt for de-icing purposes on highways in the Sierra Nevada has resulted in severe environmental damage to trees and loss of other vegetation, distracting from an otherwise uniquely scenic setting for residents, tourists, and mountain visitors; and

WHEREAS, The Department of Transportation has announced its intention to markedly reduce the amount of roadway salts to be applied during periods of adverse weather in the winter of 1989-90; and

WHEREAS, The department has conducted thorough tests of certain salt substitute materials and found them to be cost-effective in removing ice and snow, environmentally safe, and noncorrosive; and

WHEREAS, It has been demonstrated that reduced use of de-icing materials increases the number of vehicular accidents and results in unnecessary delays in the safe movement of interstate transportation; and

WHEREAS, The New York State Energy Research and Development Authority estimates that the true overall costs of salt as a de-icer are more than twice that of environmentally safe substitute materials because of the corrosive action of salt on bridges, roadways, and vehicles; and

WHEREAS, Substitute materials and techniques are readily available to the department for the winter of 1989-90; now, therefore, be it

Resolved, by the Assembly of the State of California, the Senate thereof concurring, That the Department of Transportation is encouraged to make every possible effort, to the extent existing funds are available, to utilize an appropriate de-icing salt substitute for the highways within the jurisdiction of State Transportation Districts Number 2, 3, 9, and 10 during the 1989-90 winter season; and be it further

Resolved, That the department evaluate the 1989-90 usage of a de-icing salt substitute on state highways in those districts, including the public-private costs and benefits and feasibility of continuing the substitute materials on an expanded basis, devise an overall strategy incorporating the potential of deploying additional snow removal equipment as a salt substitute as part of the overall plan to keep traffic moving safely on mountain roads, and to report its findings and recommendations to the Governor and the Legislature on or before July 1, 1990; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 158

Assembly Concurrent Resolution No. 97—Relative to Red Ribbon Week.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, Californians for Drug Free Youth, Inc., a statewide parent-community organization, the Department of Alcohol and Drug Programs, the State Department of Education, the California Parent Teacher Association, and the Attorney General's Crime Prevention Center are cosponsoring October 22 through 29, 1989, as "Red Ribbon Week"; and

WHEREAS, Business, government, law enforcement, schools, religious institutions, neighborhood and service organizations, youth, senior citizens, medical and military personnel, sports teams, and individuals throughout the State of California will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, The Assembly has further committed its resources to ensure the success of the Red Ribbon campaign; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the California Legislature does hereby support the Red Ribbon campaign by proclaiming October 22 through 29, 1989, as "Red Ribbon Week," and by encouraging the citizens of California to participate in drug prevention activities by making a visible statement that we are firmly committed to a drug-free life; and be it further

Resolved, That the California Legislature encourages all citizens to personally pledge, "MY CHOICE, DRUG-FREE!"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 159

Assembly Joint Resolution No. 2—Relative to offshore drilling.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The United States Department of the Interior has proposed lease sale No. 95 to lease seven million acres off the Counties of San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, and San Diego for oil and gas development; and

WHEREAS, Lease sale No. 95 would extend from 3 to 130 miles offshore and would include areas where oil development would interfere with commercial fishing, obstruct military operations, and harm the environment; and

WHEREAS, The oil industry has not yet completed exploration and development of tracts already leased in the lease-sale area; and

WHEREAS, The cumulative adverse impact of development in existing leases should be determined before additional leasing occurs, but a study by the State Lands Commission to determine these impacts has not yet been completed; and

WHEREAS, Global warming, which has the potential to adversely affect water supplies, agriculture, and air pollution, is primarily caused by the burning of fossil fuels such as oil and gas to which oil development in lease sale No. 95 would contribute; and

WHEREAS, The federal government has ignored the need to develop a national energy plan which would evaluate alternative methods such as energy conservation or other less environmentally damaging sources to meet future energy needs so that informed choices on national energy policies can be made; and

WHEREAS, The federal government has instead eliminated requirements regarding improved fuel economy standards for automobiles, which would have diminished the annual national demand for new oil supplies by 50-90 million barrels of oil; and

WHEREAS, The President of the United States has recognized the potential harm that could be caused by this lease sale by postponing further leasing activity until after a task force has reevaluated lease sale No. 95; and

WHEREAS, Officials representing Camp Pendleton have strongly opposed the expansion of the offshore drilling on the basis that locating oil exploration structures in boat lanes within close proximity to the shoreline used by Camp Pendleton would cause significant adverse impacts on training at Camp Pendleton; and

WHEREAS, The Outer Continental Shelf Task Force of the San Diego Association of Governments has adopted a resolution affirming its opposition to the leasing of areas within 3 to 25 miles of the coast; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and the Congress of the United States, the Department of the Interior, and the Department of Defense to halt lease sale No. 95 off the California coast; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Department of the Interior, to the Department of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 160

Assembly Joint Resolution No. 4—Relative to tax exempt status of social clubs.

[Filed with Secretary of State September 21, 1989]

WHEREAS, Discrimination based on age, gender, national origin, or ancestry violates our nation's primary ideals and tears our nation's social and economic fabric; and

WHEREAS, Discrimination based on age, gender, national origin, or ancestry cannot be tolerated or condoned but must be discouraged by every level and branch of government; and

WHEREAS, Discriminatory practices by certain social clubs have impaired or denied the rights of citizens to fully and openly participate in the social and economic life of their communities; and

WHEREAS, Citizens are free to choose their associations but should have no right to receive a collective tax benefit at the expense of their fellow citizens whose rights and dignity are effectively impaired or denied by those associations; and

WHEREAS, The federal government already prohibits tax exempt status for social clubs with certain discriminatory practices; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation amending Section 501 (i) of the Internal Revenue Code so as to deny tax exempt status to those social clubs which practice discrimination based on age, gender, national origin, or ancestry; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 161

Assembly Joint Resolution No. 20—Relative to housing for first-time homebuyers.

[Filed with Secretary of State September 21, 1989]

WHEREAS, Throughout California, people are becoming more concerned about the critical shortage of affordable housing for low- and middle-income families; and

WHEREAS, The strain of buying a home in California has become worse, as mortgage interest rates are rising and are expected to continue to rise gradually, further reducing the number of families

who can afford to buy homes; and

WHEREAS, During the last few months of 1988, the affordability index was at a record low, with the number of people who could afford homes at 12 percent; and

WHEREAS, One of the biggest roadblocks to first-time home purchase, especially for younger families, is the downpayment, as many potential purchasers cannot afford the monthly mortgage payment, and assembling the large downpayment required for even a moderately priced home keeps these consumers out of the homebuying market; now, therefore, be it

Resolved, by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to enact federal legislation addressing and providing necessary relief from these problems, to provide as follows:

(1) An individual retirement account or qualified cash or deferred arrangement under Section 401(k) of the Internal Revenue Code shall not lose its tax-exempt status if amounts are distributed to, or it is used as security for a loan by, an eligible participant for the acquisition of any dwelling unit which is to be used as the principal residence of the eligible participant in exchange for an ownership interest in that residence. An "eligible participant" means an individual on whose behalf an individual retirement plan is established or who is a participant in a qualified cash or deferred arrangement, and who (and whose spouse) has had no present ownership interest in a principal residence during the three-year period ending on the date of the acquisition of that residence.

(2) Amounts made available under the individual retirement account or qualified cash or deferred arrangement for the acquisition of the residence shall not be treated as taxable distributions.

(3) An owner of an individual retirement annuity who borrows money under or by use of that contract to use for the acquisition of his or her first home shall not be required to include in gross income the value of that contract.

(4) Interest deductions relating to loans secured by amounts attributable to qualified cash or deferred arrangements under paragraph (1) shall not be disallowed; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 162

Assembly Joint Resolution No. 45—Relative to Filipino veterans.

[Filed with Secretary of State September 21, 1989]

WHEREAS, During World War II, Filipinos fought courageously in the United States military efforts in the South Pacific; and

WHEREAS, Filipinos were an integral part in regaining the independence of the Philippines for the United States during World War II; and

WHEREAS, Filipinos served the United States military with honor and distinction as scouts and members of the resistance; and

WHEREAS, Filipinos served the United States military with American soldiers under the command of General Douglas MacArthur; and

WHEREAS, The Filipinos' courage and valor at Corregidor and during the Bataan Death March are the finest examples of the dedication of free men opposing and resisting tyranny; and

WHEREAS, The Filipinos' love of freedom and dedicated defense of the United States during time of war truly shows that their loyalty is a matter of heart and mind, not of race, creed, or color; and

WHEREAS, Filipino veterans who fought in World War II have had to fight for their citizenship on a case-by-case basis because of delays imposed by the Immigration and Naturalization Service; and

WHEREAS, Many of these Filipino veterans who are most affected are passing away, never to attain the goal of U.S. citizenship; and

WHEREAS, Some Filipinos have obtained permanent resident status, the first step toward naturalization, under the amnesty provisions of the Immigration Reform and Control Act of 1986 (P.L. 99-603); and

WHEREAS, The United States Supreme Court held in *INS v. Pangilinan*, 100 L. Ed. 2d 882, that any remedy for the patent injustice visited upon these veterans must be left solely to the will and conscience of Congress; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to grant immediate United States permanent resident status to Filipinos who are of sound moral character and can demonstrate service in the United States armed forces during World War II; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 163

Assembly Joint Resolution No. 51—Relative to AMTRAK sanitation.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The National Rail Passenger Corporation (AMTRAK) continues to serve California residents with alternative transportation at an increasingly efficient level, thereby reducing the harmful environmental effects of smog-producing automobile transportation; and

WHEREAS, Section 306(i) of the Rail Passenger Service Act (45 U.S.C. Sec. 546(i)) exempts AMTRAK from the sanitation regulations of the United States Surgeon General adopted under Section 361 of the Public Health Service Act (42 U.S.C. Sec. 264); and

WHEREAS, One effect of this exemption is to permit AMTRAK to discharge human waste from its trains and to prevent the states from controlling that situation; and

WHEREAS, This discharge creates a health and safety problem for both railway employees and the general public who come in direct contact with or in close proximity to the railroad right-of-way; and

WHEREAS, This practice causes pollution of streams and rivers, thereby adversely impacting our precious natural resources and the environment; and

WHEREAS, This problem could be solved if AMTRAK were to install proper holding tanks for human waste on its trains and to discharge these tanks only at terminal areas for proper waste disposal; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress to require the installation of proper holding tanks on AMTRAK trains to eliminate the problem of the discharge of human waste on the right-of-way and to make available the necessary funding, separate from and exclusive of federal funding otherwise provided for AMTRAK operations and subsidies, for AMTRAK to retrofit its trains with the necessary equipment in this regard; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Railroad Passenger Corporation.

RESOLUTION CHAPTER 164

Assembly Joint Resolution No. 54—Relative to future uses of federal military facilities.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, On December 29, 1988, the federal Base Realignment and Closure Commission recommended closure of six military bases located in California, as follows:

George Air Force Base, Victorville
Hamilton Army Airfield, Novato
Mather Air Force Base, Sacramento
Norton Air Force Base, San Bernardino
The Presidio, San Francisco
Salton Sea Test Base, North Shore; and

WHEREAS, The commission's proposal also includes the reorganization of five additional military bases across the state; and

WHEREAS, Following Congressional approval of the commission's proposals, base closure activities will be implemented between January 1, 1990, and September 30, 1995; and

WHEREAS, It is estimated that the California base closures will impact 4,500 civilian jobs, and will affect 12,800 military personnel; and

WHEREAS, Any alternate use decisions will have far-reaching impacts on the economy, employment opportunities, and character of the affected area; and

WHEREAS, Affected local communities and governments should have a strong voice in deciding the future use of those federal bases selected for closure; and

WHEREAS, It has long been accepted that local government is responsible for land-use planning, and some of the bases scheduled for closure are in the heart of urban communities, it is fitting that affected local governments play a leading role in determining the future use of the bases scheduled for closure; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of Defense and the Secretary of the Air Force to defer to local governments in the establishment of alternative uses for federal military bases scheduled for closure; and be it further

Resolved, That the Legislature of the State of California reaffirms its belief that future uses of federal military bases scheduled for closure should be determined by the communities directly affected; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of Defense, the Secretary of the Air Force, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 165

Assembly Joint Resolution No. 60—Relative to timber resources.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, Repeated years of low moisture in the national forests of the Sierra Nevada have created stress conditions in the timber which grows in those areas; and

WHEREAS, That stress and the associated weakening of the general health of the timber, and individual trees within the stands of timber, have reduced the ability of those trees to fight off attacks of natural enemies, specifically insects; and

WHEREAS, Populations of harmful insects have increased to epidemic proportions and are continuing to increase; and

WHEREAS, These conditions have resulted in unprecedented timber mortality in the affected national forests; and

WHEREAS, Two billion board feet of timber has been lost due to insect damage in 1989, one billion of which is merchantable, which quantity exceeds the amount of timber lost in forest fires in 1987; and

WHEREAS, The existence of large quantities of dead timber exacerbates the insect problem by providing rich breeding grounds for insect populations; and

WHEREAS Dead timber can be utilized for useful products for only a relatively short period of time after it has died; and

WHEREAS, The established resources management programs of the United States Forest Service have been significantly disrupted by changing priorities due to pressures to limit the quantity of forest-produced commodity goods and services available to the public in this country, and individual forest units are generally unable to react in a timely manner to this resource emergency as a result of those changing priorities; and

WHEREAS, Although much of the damaged timber is not commercial in nature, accessible, or located upon environmentally sensitive lands, to fail to take emergency measures to harvest commercial timber from commercially classed lands will certainly result in a dangerous buildup of forest fuels, increasing the risk of forest fires and thereby endangering high-value timber, wildlife, recreation, watershed, and private residential lands in the area; and

WHEREAS, The best defense against insect depredation is the maintenance of strong and healthy timber stands; now, therefore, be it

Resolved by the Assembly and Senate of California, jointly, That the Legislature of the State of California respectfully memorializes the Regional Forester of the Southwest Region of the United States Forest Service to take all appropriate action, including requesting additional money and staff, if needed, to ensure the prompt and timely salvage of the timber that is dead, dying, or likely to die as a result of the massive buildup of the insect population; and be it

further

Resolved, That the United States Forest Service is respectfully memorialized to engage in prompt efforts to rehabilitate and reforest the affected lands to encourage the development of strong and healthy timber stands through purposeful forest management practices; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the United States Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 166

Assembly Concurrent Resolution No. 58—Relative to law enforcement training.

[Filed with Secretary of State September 21, 1989]

WHEREAS, It is the responsibility of the state and the Commission on Peace Officer Standards and Training to provide local law enforcement officers with appropriate training throughout California; and

WHEREAS, Law enforcement officers should be trained to the highest level that the profession requires; and

WHEREAS, Law enforcement training must become more productive; and

WHEREAS, Emerging technology now makes these training deficiencies addressable; and

WHEREAS, There is a shortage of adequate training equipment and facilities to meet the training needs of California law enforcement, generally; and

WHEREAS, It is in the interest of the people of the state to have law enforcement officers trained by using the most effective techniques, equipment, and facilities, so as to conserve training time, to improve decisionmaking abilities, and to assure maximum training effectiveness; and

WHEREAS, The present statewide law enforcement training system is unable to provide the most current techniques, equipment, and facilities due to financial and logistical limitations; and

WHEREAS, It would be in the best interest of the state to study and seek cost-effective alternatives to current law enforcement training; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Commission on Peace Officer Standards and Training in cooperation with the Legislative Analyst is hereby requested to establish a committee composed of one

member selected by each of the following: the Commission on Peace Officer Standards and Training; the Governor; the Attorney General; the California Peace Officers' Association; the Peace Officers Research Association of California; the Chancellor of the California Community Colleges; the Senate Committee on Rules; and the Speaker of the Assembly, to study the use of advanced technology for law enforcement training, and be it further

Resolved, That the Commission on Peace Officer Standards and Training is requested to provide the staff and facilities needed to conduct the study, and that the study be conducted under the direction of a staff member appointed by the commission; and be it further

Resolved, That the committee so established shall be directed to report its findings and recommendations to the Chair of the Senate Judiciary Committee and the Chair of the Assembly Public Safety Committee not later than January 15, 1991.

RESOLUTION CHAPTER 167

Senate Constitutional Amendment No. 32—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 8 to Article III thereof, by amending Sections 4 and 5 of, by amending subdivision (c) of Section 7 of, and by adding Section 22 to, Article IV thereof, and by adding Section 14 to, and repealing Section 12 of, Article V thereof, relating to state government.

¹ Filed with Secretary of State September 21, 1989]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1989–90 Regular Session, commencing on the fifth day of December 1988, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended as follows:

First—That Section 22 is added to Article IV thereof, to read:

SEC. 22. It is the right of the people to hold their legislators accountable. To assist the people in exercising this right, at the convening of each regular session of the Legislature, the President pro Tempore of the Senate, the Speaker of the Assembly, and the minority leader of each house shall report to their house the goals and objectives of that house during that session and, at the close of each regular session, the progress made toward meeting those goals and objectives.

Second—That Section 5 of Article IV thereof is amended to read:

SEC. 5. (a) Each house shall judge the qualifications and elections of its Members and, by rollcall vote entered in the journal,

two thirds of the membership concurring, may expel a Member.

(b) No Member of the Legislature may accept any honorarium. The Legislature shall enact laws that implement this subdivision.

(c) The Legislature shall enact laws that ban or strictly limit the acceptance of a gift by a Member of the Legislature from any source if the acceptance of the gift might create a conflict of interest.

(d) No Member of the Legislature may knowingly accept any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any state government board or agency. If a Member knowingly accepts any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any local government board or agency, the Member may not, for a period of one year following the acceptance of the compensation, vote upon or make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the Legislature, other than an action or decision involving a bill described in subdivision (c) of Section 12 of this article, which he or she knows, or has reason to know, would have a direct and significant financial impact on that person and would not impact the public generally or a significant segment of the public in a similar manner. As used in this subdivision, "public generally" includes an industry, trade, or profession. However, a Member may engage in activities involving a board or agency which are strictly on his or her own behalf, appear in the capacity of an attorney before any court or the Workers' Compensation Appeals Board, or act as an advocate without compensation or make an inquiry for information on behalf of a person before a board or agency. This subdivision does not prohibit any action of a partnership or firm of which the Member is a member if the Member does not share directly or indirectly in the fee, less any expenses attributable to that fee, resulting from that action.

(e) The Legislature shall enact laws that prohibit a Member of the Legislature whose term of office commences on or after December 3, 1990, from lobbying for compensation, as governed by the Political Reform Act of 1974, before the Legislature for 12 months after leaving office.

(f) The Legislature shall enact new laws, and strengthen the enforcement of existing laws, prohibiting Members of the Legislature from engaging in activities or having interests which conflict with the proper discharge of their duties and responsibilities. However, the people reserve to themselves the power to implement this requirement pursuant to Article II.

Third—That subdivision (c) of Section 7 of Article IV thereof is amended to read:

(c) (1) The proceedings of each house and the committees thereof shall be open and public. However, closed sessions may be held solely for any of the following purposes:

(A) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider

or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of an employee of the Legislature.

(B) To consider matters affecting the safety and security of Members of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature.

(C) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated, or whether to initiate, litigation when discussion in open session would not protect the interests of the house or committee regarding the litigation.

(2) A caucus of the Members of the Senate, the Members of the Assembly, or the Members of both houses, which is composed of the members of the same political party, may meet in closed session.

(3) The Legislature shall implement this subdivision by concurrent resolution adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and shall prescribe that, when a closed session is held pursuant to paragraph (1), reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

Fourth—That Section 4 of Article IV thereof is amended to read:

SEC. 4. (a) To eliminate any appearance of a conflict with the proper discharge of his or her duties and responsibilities, no Member of the Legislature may knowingly receive any salary, wages, commissions or other similar earned income from a lobbyist or lobbying firm, as defined by the Political Reform Act of 1974, or from a person who, during the previous 12 months, has been under a contract with the Legislature. The Legislature shall enact laws that define earned income. However, earned income does not include any community property interest in the income of a spouse. Any Member who knowingly receives any salary, wages, commissions, or other similar earned income from a lobbyist employer, as defined by the Political Reform Act of 1974, may not, for a period of one year following its receipt, vote upon or make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the Legislature, other than an action or decision involving a bill described in subdivision (c) of Section 12 of this article, which he or she knows, or has reason to know, would have a direct and significant financial impact on the lobbyist employer and would not impact the public generally or a significant segment of the public in a similar manner. As used in this subdivision, "public generally" includes an industry, trade, or profession.

(b) Travel and living expenses for Members of the Legislature in connection with their official duties shall be prescribed by statute passed by rollcall vote entered in the journal, two-thirds of the membership of each house concurring. A Member may not receive travel and living expenses during the times that the Legislature is in recess for more than three calendar days, unless the Member is

traveling to or from, or is in attendance at, any meeting of a committee of which he or she is a member, or a meeting, conference, or other legislative function or responsibility as authorized by the rules of the house of which he or she is a member, which is held at a location at least 20 miles from his or her place of residence.

(c) The Legislature may not provide retirement benefits based on any portion of a monthly salary in excess of five hundred dollars (\$500) paid to any Member of the Legislature unless the Member receives the greater amount while serving as a Member in the Legislature. The Legislature may, prior to their retirement, limit the retirement benefits payable to Members of the Legislature who serve during or after the term commencing in 1967.

When computing the retirement allowance of a Member who serves in the Legislature during the term commencing in 1967 or later, allowance may be made for increases in cost of living if so provided by statute, but only with respect to increases in the cost of living occurring after retirement of the Member. However, the Legislature may provide that no Member shall be deprived of a cost of living adjustment based on a monthly salary of five hundred dollars (\$500) which has accrued prior to the commencement of the 1967 Regular Session of the Legislature.

Fifth—That Section 14 is added to Article V thereof, to read:

SEC 14. (a) To eliminate any appearance of a conflict with the proper discharge of his or her duties and responsibilities, no state officer may knowingly receive any salary, wages, commissions, or other similar earned income from a lobbyist or lobbying firm, as defined by the Political Reform Act of 1974, or from a person who, during the previous 12 months, has been under a contract with the state agency under the jurisdiction of the state officer. The Legislature shall enact laws that define earned income. However, earned income does not include any community property interest in the income of a spouse. Any state officer who knowingly receives any salary, wages, commissions, or other similar earned income from a lobbyist employer, as defined by the Political Reform Act of 1974, may not, for a period of one year following its receipt, vote upon or make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the agency for which the state officer serves, other than an action or decision involving a bill described in subdivision (c) of Section 12 of Article IV, which he or she knows, or has reason to know, would have a direct and significant financial impact on the lobbyist employer and would not impact the public generally or a significant segment of the public in a similar manner. As used in this subdivision, "public generally" includes an industry, trade, or profession.

(b) No state officer may accept any honorarium. The Legislature shall enact laws that implement this subdivision.

(c) The Legislature shall enact laws that ban or strictly limit the acceptance of a gift by a state officer from any source if the acceptance of the gift might create a conflict of interest.

(d) No state officer may knowingly accept any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any state government board or agency. If a state officer knowingly accepts any compensation for appearing, agreeing to appear, or taking any other action on behalf of another person before any local government board or agency, the state officer may not, for a period of one year following the acceptance of the compensation, make, participate in making, or in any way attempt to use his or her official position to influence an action or decision before the state agency for which the state officer serves, other than an action or decision involving a bill described in subdivision (c) of Section 12 of Article IV, which he or she knows, or has reason to know, would have a direct and significant financial impact on that person and would not impact the public generally or a significant segment of the public in a similar manner. As used in this subdivision, "public generally" includes an industry, trade, or profession. However, a state officer may engage in activities involving a board or agency which are strictly on his or her own behalf, appear in the capacity of an attorney before any court or the Workers' Compensation Appeals Board, or act as an advocate without compensation or make an inquiry for information on behalf of a person before a board or agency. This subdivision does not prohibit any action of a partnership or firm of which the state officer is a member if the state officer does not share directly or indirectly in the fee, less any expenses attributable to that fee, resulting from that action.

(e) The Legislature shall enact laws that prohibit a state officer, or a secretary of an agency or director of a department appointed by the Governor, who has not resigned or retired from state service prior to January 7, 1991, from lobbying, for compensation, as governed by the Political Reform Act of 1974, before the executive branch of state government for 12 months after leaving office.

(f) "State officer," as used in this section, means the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, and member of the State Board of Equalization

Sixth—That Section 8 is added to Article III thereof, as follows:

SEC. 8. (a) The California Citizens Compensation Commission is hereby created and shall consist of seven members appointed by the Governor. The commission shall establish the annual salary and the medical, dental, insurance, and other similar benefits of state officers.

(b) The commission shall consist of the following persons:

(1) Three public members, one of whom has expertise in the area of compensation, such as an economist, market researcher, or personnel manager; one of whom is a member of a nonprofit public interest organization; and one of whom is representative of the general population and may include, among others, a retiree,

homemaker, or person of median income. No person appointed pursuant to this paragraph may, during the 12 months prior to his or her appointment, have held public office, either elective or appointive, have been a candidate for elective public office, or have been a lobbyist, as defined by the Political Reform Act of 1974.

(2) Two members who have experience in the business community, one of whom is an executive of a corporation incorporated in this state which ranks among the largest private sector employers in the state based on the number of employees employed by the corporation in this state and one of whom is an owner of a small business in this state.

(3) Two members, each of whom is an officer or member of a labor organization.

(c) The Governor shall strive insofar as practicable to provide a balanced representation of the geographic, gender, racial, and ethnic diversity of the state in appointing commission members.

(d) The Governor shall appoint commission members and designate a chairperson for the commission not later than 30 days after the effective date of this section. The terms of two of the initial appointees shall expire on December 31, 1992, two on December 31, 1994, and three on December 31, 1996, as determined by the Governor. Thereafter, the term of each member shall be six years. Within 15 days of any vacancy, the Governor shall appoint a person to serve the unexpired portion of the term.

(e) No current or former officer or employee of this state is eligible for appointment to the commission.

(f) Public notice shall be given of all meetings of the commission, and the meetings shall be open to the public.

(g) On or before December 3, 1990, the commission shall, by a single resolution adopted by a majority of the membership of the commission, establish the annual salary and the medical, dental, insurance, and other similar benefits of state officers. The annual salary and benefits specified in that resolution shall be effective on and after December 3, 1990.

Thereafter, at or before the end of each fiscal year, the commission shall, by a single resolution adopted by a majority of the membership of the commission, adjust the annual salary and the medical, dental, insurance, and other similar benefits of state officers. The annual salary and benefits specified in the resolution shall be effective on and after the first Monday of the next December.

(h) In establishing or adjusting the annual salary and the medical, dental, insurance, and other similar benefits, the commission shall consider all of the following:

(1) The amount of time directly or indirectly related to the performance of the duties, functions, and services of a state officer.

(2) The amount of the annual salary and the medical, dental, insurance, and other similar benefits for other elected and appointed officers and officials in this state with comparable responsibilities, the judiciary, and, to the extent practicable, the private sector,

recognizing, however, that state officers do not receive, and do not expect to receive, compensation at the same levels as individuals in the private sector with comparable experience and responsibilities.

(3) The responsibility and scope of authority of the entity in which the state officer serves.

(i) Until a resolution establishing or adjusting the annual salary and the medical, dental, insurance, and other similar benefits for state officers takes effect, each state officer shall continue to receive the same annual salary and the medical, dental, insurance, and other similar benefits received previously.

(j) All commission members shall receive their actual and necessary expenses, including travel expenses, incurred in the performance of their duties. Each member shall be compensated at the same rate as members, other than the chairperson, of the Fair Political Practices Commission, or its successor, for each day engaged in official duties, not to exceed 45 days per year.

(k) It is the intent of the Legislature that the creation of the commission should not generate new state costs for staff and services. The Department of Personnel Administration, the Board of Administration of the Public Employees' Retirement System, or other appropriate agencies, or their successors, shall furnish, from existing resources, staff and services to the commission as needed for the performance of its duties.

(l) "State officer," as used in this section, means the Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, member of the State Board of Equalization, and Member of the Legislature.

Seventh—That Section 12 of Article V thereof is repealed.

Eighth—That subdivision (b) of Section 5 of, and subdivision (c) of Section 7 of, Article IV, and subdivision (b) of Section 14 of Article V, of the California Constitution, as added or amended by this measure, shall become operative on the first day of the 1991-92 Regular Session of the Legislature.

RESOLUTION CHAPTER 168

Senate Concurrent Resolution No. 20—Relative to a San Francisco Bay crossing study.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The San Francisco-Oakland Bay Bridge and the San Francisco Bay Area Rapid Transit District trains, which cross under San Francisco Bay in the vicinity of the Bay Bridge, have been operating at full or nearly full capacity for some time; and

WHEREAS, Travel demand between the east and west sides of the

bay is expected to continue to grow; and

WHEREAS, A large portion of vehicular traffic between the east and west sides of San Francisco Bay is not destined for Oakland or San Francisco; and

WHEREAS, Bay area community leaders are requesting that a bridge or tunnel be constructed to relieve the traffic on the Bay Bridge; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the Metropolitan Transportation Commission, in cooperation with the Department of Transportation, conduct a Phase I analysis of the need for a tunnel or bridge, high-speed water transit terminals, or both, located in or between the County of Alameda and the County of San Mateo or the City and County of San Francisco; and be it further

Resolved, That the commission may contract with one or more experts or consultants to assist, if required, in the conduct of the analysis and preparation of the report; and be it further

Resolved, That an advisory committee be established to review and comment upon the work of the commission and its experts or consultants, and that the advisory committee be composed of three members appointed by the commission from lists of nominees submitted by environmental organizations, one member appointed by the Senate Committee on Rules, one by the Speaker of the Assembly, one by the Mayor of San Francisco, one by the Mayor of Oakland, one by the San Francisco Board of Supervisors, one each by the Boards of Supervisors of Alameda, Contra Costa, and San Mateo Counties, one each by the Council of Mayors of Alameda, Contra Costa, and San Mateo Counties, one by the San Francisco Bay Conservation and Development Commission, one by the San Mateo County Transit District, and one by the Secretary of Business, Transportation and Housing; and be it further

Resolved, That the term of each member of the advisory committee be for the duration of the study; and be it further

Resolved, That the members of the advisory committee serve without compensation, but may be reimbursed for their actual travel expenses in attending meetings of the advisory committee; and be it further

Resolved, That the commission meet and confer frequently with the advisory committee; and be it further

Resolved, That the Phase I analysis and report shall include an investigation, examination, finding of facts, and conclusions with respect to all of the following elements:

- (1) Current and predicted patterns of land development.
- (2) Current and predicted traffic and travel patterns.
- (3) Current and predicted transportation and transit financial report.
- (4) An inventory of potential capital and operating improvements which would facilitate transbay travel over, under, or on San Francisco Bay, including specifically public rail, bus, and water

transit facilities.

(5) An identification of the most promising locations for additional transbay crossings, approaches, and terminals.

(6) Preliminary consideration of the environmental issues related to every new transbay crossing studied by the commission.

(7) A comparative analysis of the costs and benefits of expanding existing bay crossings and of constructing additional crossings; and be it further

Resolved, That the commission may fund this study with toll revenue funds available to the commission pursuant to subdivision (b) of Section 30914 of the Streets and Highways Code; and be it further

Resolved, That the commission report its findings, conclusions, and recommendations to the Legislature on or before August 1, 1990; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Transportation.

RESOLUTION CHAPTER 169

Senate Concurrent Resolution No. 35—Relative to truck safety.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The issue of truck accidents on California highways is of significant concern to the Legislature, the Department of the California Highway Patrol, the trucking industry, and the motoring public; and

WHEREAS, There exists a dangerous disregard for the safe operation of heavy trucks by some drivers who are able to use various methods of communication to provide a network to avoid apprehension for unsafe driving practices; and

WHEREAS, When heavy trucks are involved in accidents with other vehicles, the potential for fatalities and serious injuries is increased dramatically; and

WHEREAS, Truck accidents in California have increased 43 percent over the five-year period from 1982 through 1986, and approximately 50 percent of the truck accidents investigated statewide during this period were determined to be caused by truckdriver error or defective truck equipment; and

WHEREAS, Extensive traffic congestion and costly traffic delays are often caused by heavy truck accidents; and

WHEREAS, The Legislature enacted Senate Bill No. 1873 (Chapter 1243, Statutes of 1986) which directed the department to institute a pilot program which used vehicles not readily identifiable as regular patrol vehicles for the primary purpose of enforcement of highway safety laws relating to heavy trucks; and

WHEREAS, The department implemented the Specially Marked Patrol Vehicle Pilot Program from January 12, 1987, through December 31, 1987, and submitted to the Legislature a report which concluded that the use of specially marked patrol vehicles proved to be a valuable tool in the detection and apprehension of drivers operating heavy trucks in an unlawful manner; and

WHEREAS, The Specially Marked Patrol Vehicle Pilot Program was successful in reducing the number of truck caused accidents; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of the California Highway Patrol may utilize specially marked patrol vehicles on a routine basis, as necessary, to achieve the maximum benefit from resources directed to combat the unlawful and unsafe operation of heavy trucks on California highways; and be it further

Resolved, That specially marked patrol vehicles shall only be operated by officers wearing the official uniform of the department, and those vehicles shall meet the identification requirements established in law and regulation and shall exhibit the official insignia of the California Highway Patrol; and be it further

Resolved, That the primary purpose of officers operating specially marked patrol vehicles shall be the enforcement of highway safety laws pertaining to the safe operation of heavy trucks; and be it further

Resolved, That the California Highway Patrol may deploy specially marked patrol vehicles on highway segments deemed by the department to have a safety problem related to the unlawful or unsafe operation of heavy trucks; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Commissioner of the California Highway Patrol.

RESOLUTION CHAPTER 170

Senate Concurrent Resolution No. 43—Relative to oil prices and supplies.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, On March 24, 1989, the Exxon Valdez ran aground in Prince William Sound in Alaska while on route to Los Angeles, resulting in a 10 million gallon (250,000 barrel) crude oil spill, the largest spill in U.S. history; and

WHEREAS, As a result of this catastrophic oil spill, the Port of Valdez was closed temporarily, causing a brief disruption of shipments of Alaska crude oil to California; and

WHEREAS, After the oil spill accident, the federal government declared there was no reason to tap the Strategic Petroleum Reserve

to make up for temporary shortages, and stated that West Coast crude oil inventories were sufficient to compensate for the brief disruption; and

WHEREAS, Subsequently, the State Energy Resources Conservation and Development Commission activated its Energy Shortage Contingency Plan to assess the interruption of Alaska oil shipments to California refineries, and concluded that the resumption of crude oil shipments from Valdez, coupled with actions taken by oil companies to use reserve inventories and procure alternate supplies, allowed oil companies to continue to meet their obligations; and

WHEREAS, Notwithstanding the availability of alternate crude oil supplies, selected companies invoked the "force majeure" clause in their supply contracts and declared the Alaska oil spill an "act of God," which justified a reduction of crude oil deliveries to refinery customers; and

WHEREAS, the supply reduction triggered increased buying of available supplies which contributed to the quickest and greatest single wholesale price increase in the history of the U.S. gasoline market; and

WHEREAS, The price of gasoline has a profound impact on California's consumers and the state's economy, demonstrated by the fact that in 1986, Californians drove over 200 billion miles and used over 12 billion gallons of gasoline, with miles traveled and gas consumed increasing annually since that time; and

WHEREAS, California motorists are now paying significantly higher prices at the gas pump and are being told by oil industry representatives that these price increases are due to several reasons, including the Alaska oil spill, increased world crude oil prices, added gasoline demand, and other production accidents; and

WHEREAS, This sharp surge in gasoline prices appears to be unwarranted given the plentiful oil supplies available for California refining needs; and

WHEREAS, The Legislature is concerned that the oil spill disaster may have been used as an excuse to panic the oil market and exploit consumers; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Attorney General is requested to conduct an investigation and report to the Legislature by December 30, 1990, if the Attorney General determines that, as a result of oil industry fraud or negligence, the state's motorists are entitled to receive a refund from improper oil overcharges and consumer price gouging; and be it further

Resolved, That the Attorney General is also requested to conduct a fraud and antitrust investigation and report to the Legislature by December 30, 1990, if the Attorney General determines that certain oil companies, wholesalers, distributors, independent refiners, and other members of the oil industry exploited the Alaska oil spill disaster and violated state law, and should be subject to civil or

criminal penalties; and be it further

Resolved, That the State Energy Resources Conservation and Development Commission, as part of its California Energy Shortage Contingency Planning authority, is required to investigate the Alaska oil spill incident and its effect on oil supplies, as well as the recent fire and damage to the Chevron refinery in Richmond, California, which may further disrupt refinery output, and report to the Legislature by December 30, 1990, on recommended action which the state should take to alleviate possible supply shortages and to mitigate price increases associated with temporary disruptions in oil supplies; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor, the Attorney General, and the Chairperson of the State Energy Resources Conservation and Development Commission.

RESOLUTION CHAPTER 171

Senate Concurrent Resolution No. 50—Relative to the Public Utilities Commission.

[Filed with Secretary of State September 21, 1989]

WHEREAS, California's economy requires a strong and affordable system of intrastate air transportation; and

WHEREAS, In the 10 years since airlines were deregulated, airfares have risen as much as 600 percent on some intrastate routes, even at the same time as quality and frequency of service have declined; and

WHEREAS, In the same 10-year period, three California-based air carriers which provided the bulk of intrastate service have been purchased by larger national airlines, thereby reducing the actual and potential competition in the California market; and

WHEREAS, The high and seemingly arbitrary fare structures that have recently prevailed in California raise the possibility that those structures have been set or maintained contrary to the results expected in free and open competition; and

WHEREAS, Notwithstanding the federal preemption of the state's ability to set intrastate airfares, the Public Utilities Commission retains the right to investigate whether intrastate airfares are unfair and discriminatory, and the reasons for those airfares; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Public Utilities Commission is requested to undertake a study of the rates charged by airlines for intrastate air transport to determine the pattern of rates, service, and traveler demand on selected intrastate routes, to study the allocation,

and the fairness of the allocation, of gates assigned at major airports to major airlines and smaller regional commuter airlines, to evaluate whether mergers, acquisitions, and other acts may have resulted in increased fares charged to California consumers, and to recommend actions which may be undertaken to improve commercial airline travel accessibility and service to the public; and be it further

Resolved, That the Public Utilities Commission is requested to submit a preliminary report of its findings to the Legislature on January 1, 1990, and its final report on March 1, 1990; and be it further

Resolved, That the Offices of Research of the Senate and the Assembly, the Department of Transportation, and air carrier airports are requested to cooperate with the Public Utilities Commission in its study by providing background, data, and consultation on airline and airport service in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Public Utilities Commission.

RESOLUTION CHAPTER 172

Senate Concurrent Resolution No. 56—Relative to the Association of Pacific Island Legislatures.

[Filed with Secretary of State September 21, 1989]

WHEREAS California is strategically located along the Pacific Basin in a key position to participate in Pacific Basin regional affairs including transpacific commerce, communications, and international relations; and

WHEREAS, Nations and states sharing the waterways of the Pacific Ocean have a common basis for cooperating to ensure that commercial and environmental policies do not adversely affect the vital relationship among Pacific Basin neighbors, and

WHEREAS, The population of this state is comprised of people of nearly every country and territory of the Pacific region, and California's participation in a Pacific regional organization will serve to enhance cultural understanding, improve communications, and promote cooperative policies and activities between the people of California and the people of the Pacific Island nations, states, and territories; and

WHEREAS, It is important to address the effects of environmental accidents or natural disasters by developing organizations which can evaluate and implement environmental, commercial, and social policies on a regional basis; and

WHEREAS, It is apparent that events which occur in one area of the Pacific and are hazardous to the environment, such as oil spills or airborne radioactive particle fallout, have a potentially negative impact on the social and commercial well-being of other nations and

states sharing the Pacific Ocean waterway; and

WHEREAS, All members of the Pacific Basin region are concerned about the global ecological consequences of irresponsible or shortsighted policies which may result from scientific and technological advances; and

WHEREAS, The people of the Pacific Island nations, territories, and states organized the Association of Pacific Island Legislatures, a nonprofit corporation, in an attempt to address common concerns and to promote policies and cooperative activities for the good of the region; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Legislature, in behalf of the people of the state, seeks to cooperate with the people of the Pacific Basin region to pursue regional policies which foster environmental safety and to promote commercial development and enhanced cultural relations; and be it further

Resolved, That the California Legislature seeks to become a member of the Association of Pacific Island Legislatures and to actively pursue policies consistent with the best environmental, social, and commercial interests of the people of California; and be it further

Resolved, That in pursuing membership in the Association of Pacific Island Legislatures, the California Legislature seeks to bolster the indigenous economies of the member government entities, facilitate the elimination of federal involvement that inhibits self-sufficiency, and promote regional cooperation with member legislatures; and be it further

Resolved, That this resolution shall take effect immediately and shall remain in effect only until December 31, 1992, unless the authority provided by this measure is otherwise extended; and be it further

Resolved, That the Secretary of the Senate transmit copies of the resolution to Ambros T. Senda, President, Herminia D. Dierking, Vice President, Benigno M. Sabian, Secretary, and Robert Ruecho, Treasurer of the Association of Pacific Island Legislatures.

RESOLUTION CHAPTER 173

Senate Concurrent Resolution No. 62—Relative to the Sacramento River.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, The Sacramento River system has tremendous social, environmental, and economic value to the people of California for many consumptive and nonconsumptive beneficial purposes; and

WHEREAS, The Sacramento River system is the largest source of

salmon, striped bass, sturgeon, and shad in the state, and is also a major source of steelhead and other game fish; and

WHEREAS, The Sacramento River system is the source of water for much of the migratory bird population of the Pacific Flyway; and

WHEREAS, Various human and natural causes have contributed to substantial reductions in various anadromous fish populations in the Sacramento River system; and

WHEREAS, The California Legislature enacted legislation in 1986 which created an action team and an advisory council representing diverse interests to develop an Upper Sacramento River Fisheries and Riparian Habitat Management Plan; and

WHEREAS, The advisory council completed and submitted a management plan to the Legislature in January of this year; and

WHEREAS, The plan identified specific actions necessary to protect, restore, and enhance the fisheries and riparian habitat and associated wildlife as part of the orderly development of the water resources of the Sacramento River Basin; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That it is the policy of the state to implement the actions recommended in the Upper Sacramento River Fisheries and Riparian Habitat Management Plan in general conformance with the priorities indicated in the plan; and be it further

Resolved, That it is the policy of the state to appropriate sufficient funds annually, in conjunction with the federal government, local governments, and other sources, to implement the actions outlined in the management plan; and be it further

Resolved, That it is the policy of the state that departments, agencies, and other units of the state with responsibilities for implementation of the plan shall, upon adoption of this resolution, proceed with implementation measures that are authorized under existing law or as may be authorized in the future; and be it further

Resolved, That it is the policy of the state to encourage the federal government, local governments, and other organizations and individuals to proceed with their responsibilities to implement the actions outlined in the management plan; and be it further

Resolved, That the Secretary of the Resources Agency is hereby requested to establish, for a two-year period of service, a multidisciplinary Upper Sacramento River Advisory Council, as recommended in the management plan, to review progress on the overall plan as it is implemented and to make annual recommendations on priorities and schedules to the Legislature and the United States Congress, as project actions are undertaken; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Secretary of the Resources Agency.

RESOLUTION CHAPTER 174

Senate Concurrent Resolution No. 66—Relative to doctoral degrees issued by the University of California.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The State of California's public postsecondary education institutions exist to serve and educate all Californians; and

WHEREAS, Each year the racial-ethnic composition of the state's population becomes increasingly heterogeneous and the composition of student bodies of our universities becomes more diverse; and

WHEREAS, The nation's postsecondary education institutions are anticipating extensive faculty retirements by the year 2000; and

WHEREAS, As a result of the expected faculty retirements, California's public postsecondary education system anticipates needing at least 34,000 new postsecondary faculty, such that the University of California projects hiring at least 6,000 new faculty and the California State University projects hiring at least 8,000 new faculty; and

WHEREAS, This presents an opportunity to diversify the faculties of our postsecondary institutions by hiring more minority and women Ph. D.'s, who have been historically underrepresented; and

WHEREAS, It is the unique function of the University of California to grant doctoral degrees to those distinguished and qualified individuals who will comprise a significant portion of the new faculty applicant pool; and

WHEREAS, It is crucial that a substantial number of minorities and women have the opportunity to be awarded doctoral degrees in the next decade so that the postsecondary institutions of California and the nation have a broad range of candidates from which to choose for the replenishment of faculty positions; and

WHEREAS, There have been recent reports indicating that the time to completion of doctoral degree programs has increased, such that students now take longer to earn doctorates; and

WHEREAS, The decreased rate of progress toward doctorates may signal coming shortages of teachers, scientists, and other professionals; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby directs the California Postsecondary Education Commission to determine whether there has been an increase in time to completion of doctoral degrees awarded by the University of California, and to study the factors which have led or may lead to an increase in time to completion of doctorates, and to make specific recommendations relative to methods of increasing the rate of progress toward receiving doctoral degrees awarded by the University of California without compromising the integrity of the academic process; and be

it further

Resolved, That the California Postsecondary Education Commission shall address in its study and recommendations at least each of the following areas:

(1) A comparison of doctoral programs to professional programs including an examination of the institutional and social changes affecting those programs.

(2) Increases in the financial burdens students face in earning doctorates and ways of reducing these financial pressures, including an examination of financial support packages and housing;

(3) Increases in the professional burdens students face in earning doctorates and ways of reducing these professional requirements, including an examination of teaching and research commitments and publication requirements necessary for career placement;

(4) Alternative methods of restructuring doctoral programs to streamline degree requirements and reduce time to completion of degree if found necessary, including, but not limited to, a study of any alternative methods being utilized by the University of California and other major research universities in the United States or elsewhere; and be it further

Resolved, That the California Postsecondary Education Commission shall also study and make specific recommendations relative to methods of increasing the number of minorities and women awarded doctoral degrees by the University of California and shall address in its study and recommendations at least each of the following areas:

(1) The recruitment of minorities and women into doctoral degree programs, including an examination of undergraduate preparation, academic research internships, and mentoring by faculty;

(2) The retention of minorities and women in doctoral degree programs, including an examination of degree requirements, financial support packages, teaching and research commitments, housing, length of time to completion of the degree program, counseling and advisement, and mentoring by faculty;

(3) The career placement of minorities and women awarded doctoral degrees, including an examination of the career placement within the University of California and the California State University; and be it further

Resolved, That no later than 12 months after the enactment of this resolution, the California Postsecondary Education Commission shall submit the results of its study, including specific recommendations, to the Legislature, the Regents, President, and Chancellors of the University of California, the Trustees, Chancellor, and Presidents of the California State University, the Board of Governors of the California Community Colleges, and to the governing bodies of the members of the Association of Independent California Colleges and Universities; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of

this resolution to the California Postsecondary Education Commission, and the governing body for each segment of public higher education in California.

RESOLUTION CHAPTER 175

Senate Concurrent Resolution No. 69—Relative to the Los Encinos State Historic Park.

[Filed with Secretary of State September 21, 1989]

WHEREAS, Los Encinos State Historic Park is one of the most popular parks in the San Fernando Valley; and

WHEREAS, The park is located in a heavily congested urban area; and

WHEREAS, The park has parking for only three automobiles; and

WHEREAS, On-street parking by park visitors causes problems and congestion for local residents: now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Parks and Recreation is hereby requested to prepare a comprehensive plan to improve visitor parking at Los Encinos State Historic Park and submit that plan to the Chairperson of the Joint Legislative Budget Committee, the chairpersons of the fiscal committees of both houses of the Legislature, and the members of the San Fernando Valley legislative delegation, not later than March 1, 1990; and be it further

Resolved, That the Secretary of the Senate transmit a copy of the resolution to the Director of Parks and Recreation.

RESOLUTION CHAPTER 176

Senate Joint Resolution No. 1—Relative to mobilehome parks.

[Filed with Secretary of State September 21, 1989]

WHEREAS, For some years most California mobilehome parks, pursuant to Sections 798.76 and 799.5 of the Civil Code, have operated with "adults only" residency restrictions, offering an adult or senior lifestyle to more than one-half million Californians of retirement age; and

WHEREAS, There is a need for affordable housing for senior citizens and persons of retirement age which mobilehomes provide; and

WHEREAS, Congress has recently passed, and the President signed, HR 1158, the Federal Fair Housing Amendments Act of 1988, which prohibits "adults only" residency restrictions in most

single-family and multiresidential housing but permits 55 years and older senior housing where there are significant facilities and services to meet the physical or social needs of seniors; and

WHEREAS, The federal Department of Housing and Urban Development (HUD) has already adopted regulations to enforce provisions of the Fair Housing Amendments Act of 1988, without congressional review; and

WHEREAS, The ambiguous nature of the HUD regulations do not clarify what facilities and services will have to be installed for mobilehome parks to be allowed to continue to maintain a retirement lifestyle for residents 55 years of age and older but leave to HUD administrators on a local level the power to make such determinations on a case-by-case basis; and

WHEREAS, Senior facilities and services which have to be installed may increase the cost of housing in senior mobilehome parks; and

WHEREAS, The swiftness with which HR 1158 and implementing regulations have become effective has served to create confusion and anxiety among park residents, stir up numerous conflicts between park owners and their residents, and led to lawsuits and a multiplicity of complaints to local and state elected officials; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact urgency legislation to amend the Federal Fair Housing Amendments Act of 1988 to clarify the intent of Congress with regard to the effect of the requirements for senior facilities and services upon the affordability of senior mobilehome parks for the residents of those parks; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, and each Senator and Representative from California in the Congress of the United States and to the Secretary of the federal Department of Housing and Urban Development.

RESOLUTION CHAPTER 177

Senate Joint Resolution No. 3—Relative to the removal of hazardous asbestos from school facilities.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, The federal government has established the Asbestos Hazard Emergency Response Act (AHERA) program, which requires school districts nationwide to implement a management plan for the containment or removal of certain asbestos-containing materials by no later than July 9, 1989; and

WHEREAS, Sufficient federal appropriations have not been made available to provide funding to school districts in the State of California to pay for the cost of those plans or for the work that may be necessary as a result thereof, and

WHEREAS, The cost of providing the plans is in excess of 30 million dollars and the estimated cost of the work to be performed is estimated to be in excess of one billion dollars; and

WHEREAS, Additional study is required to accurately identify the health risks associated with nonoccupational exposure to low levels of asbestos; and

WHEREAS, The United States Environmental Protection Agency has contracted for a study of asbestos levels in buildings to determine the extent of risk; and

WHEREAS, The actual removal of asbestos-containing material can elevate the prevalence of asbestos fibers to dangerous levels if work practices specified by regulation are not followed; and

WHEREAS, The California Occupational Safety and Health (Cal-OSHA) program, which would have prime responsibility for inspecting school asbestos removal projects, has not been fully restored due to staffing shortages; and

WHEREAS, The Legislature of the State of California is concerned that school districts may remove asbestos materials that are not in a hazardous condition and that the removal work may be performed improperly, creating an imminent hazard for workers and building occupants; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California believes that it is the responsibility of the federal government to ascertain the danger levels of asbestos before mandating a substantial cost to the states for the removal of asbestos-containing materials from the schools; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to immediately support and enact emergency legislation to authorize the Environmental Protection Agency to grant a delay in the implementation of the management plan required under the federal AHERA program to any public school, or private nonprofit school, that has demonstrated the willingness to comply with the requirements of that program; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Environmental Protection Agency, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 178

Senate Joint Resolution No. 22—Relative to chronic fatigue syndrome.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, Chronic fatigue syndrome (also known as Epstein-Barr viral syndrome and chronic fatigue immune dysfunction syndrome) is a recently described illness for which there is no known cure; and

WHEREAS, The disease can produce extreme debilitation and prevent patients with the illness from working and from undertaking normal daily activities; and

WHEREAS, Persons with chronic fatigue syndrome are often misdiagnosed and receive inadequate medical treatment because there is so little known about the disease; and

WHEREAS, Patients with chronic fatigue syndrome face difficulty in receiving social services and public assistance despite suffering from extreme debilitation; and

WHEREAS, There is a great need for education and training of health professionals regarding chronic fatigue syndrome and for increased public awareness of this disease; and

WHEREAS, The mode of transmission of the disease and its natural history are unknown at present; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature recognizes chronic fatigue syndrome as a serious health problem and directs the State Health and Welfare Agency to research the medical and social service components of chronic fatigue syndrome; and be it further

Resolved, That the Legislature respectfully memorializes the President and the Congress of the United States to direct increased federal funding to research chronic fatigue syndrome and to develop effective treatments or a cure for this disease; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 179

Senate Joint Resolution No. 28—Relative to the federal Americans with Disabilities Act.

[Filed with Secretary of State September 21, 1989]

WHEREAS, Some 36,000,000 Americans have one or more physical or mental disabilities and this number is increasing as the population as a whole is growing older; and

WHEREAS, Discrimination against people with disabilities persists in employment, housing, public accommodations, education, transportation, communication, recreation, health services, institutionalization, voting, and access to public services; and

WHEREAS, Discrimination and prejudice deny people with disabilities opportunities available to others in this country and costs the United States billions of dollars in unnecessary expenses resulting from dependency and nonproductivity; and

WHEREAS, Factfinding hearings were held in local communities in all 50 states in 1983 to document incidents of discrimination against people with disabilities; and

WHEREAS, There is a need to provide a prohibition of discrimination against persons with disabilities which is parallel in scope of coverage to that afforded to persons on the basis of race, sex, national origin, and religion; and

WHEREAS, Discrimination has been well documented in numerous reports and studies, of which one significant publication -- "Towards Independence" -- was submitted to Congress in 1986 by the National Council on the Handicapped (NCH), an independent federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate and of whom five are Californians with distinguished records of advocacy on behalf of persons with disabilities; and

WHEREAS, Subsequent to publishing these public policy recommendations, Senate Bill 2345 and House Resolution 4498 were introduced in the 100th Congress in a significant bipartisan effort to develop a comprehensive federal policy, which will ensure that Americans with disabilities have equality of opportunity, full participation, independent living, and economic self-sufficiency for these citizens; and

WHEREAS, These bills which would provide clear, strong, consistent, uniform, and enforceable standards addressing discrimination against persons with disabilities were cosponsored by both United States Senators and 20 members of the House of Representatives from California; and

WHEREAS, Other major issues pending before the 100th Congress prevented enactment of the "1988 Americans With Disabilities Act"; and

WHEREAS, Similar bills were introduced in 1989 before the 101st Congress to address these critical issues affecting Americans with disabilities; and

WHEREAS, Senate Bill 933 was introduced as the Americans with Disabilities Act of 1989 by United States Senator Tom Harkin, is cosponsored by 58 other Senators from both political parties including both Senators from California, and has received the support of President Bush; and

WHEREAS, The same measure was introduced as House Resolution 2273 in the House of Representatives, is cosponsored by 222 members from both political parties, and is awaiting hearing in four House committees; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact a clear, comprehensive national mandate for the elimination of discrimination against persons with disabilities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 180

Senate Joint Resolution No. 33—Relative to the Tenth Amendment.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The Tenth Amendment of the United States Constitution, part of the original Bill of Rights, reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The limits on the authority of Congress to regulate state activities prescribed by the Tenth Amendment have recently been the subject of debate by the United States Supreme Court in the cases of *Garcia v. San Antonio Metropolitan Transit Authority* (1985), 83 L. Ed. 2d 1016 and *South Carolina v. Baker* (1988), 99 L. Ed. 2d 592; and

WHEREAS, These cases hold that the limits of the Tenth Amendment are structural, and not substantive, leaving states to find protection from congressional regulation through the national political process, rather than through judicially defined spheres of residual state authority; and

WHEREAS, These United States Supreme Court decisions invite further federal preemption of state authority; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That it is the consensus of the Legislature that the Tenth Amendment to the United States Constitution is and always has been of operational force governing and balancing the respective powers of the states and the federal government, and the Legislature affirms that the Tenth Amendment is a substantive limit on national power and should be so applied as a test by the courts of the United States

and of the several states in the cases coming before them where a question of the exercise of the federal authority is raised; and be it further

Resolved, That it is the consensus of the Legislature that the Thirteenth, Fourteenth, and Fifteenth Amendment protections of civil rights and civil liberties apply to the states notwithstanding the Tenth Amendment, and that the authority of the federal government pursuant to the Commerce Clause to legislate for purposes of guaranteeing civil rights and workers' rights, regulating labor relations, providing for the social welfare, preserving the environment and public health, and protecting consumers, is not diminished by the appropriate and balanced application of the Tenth Amendment to protect the states' capacity to govern and to exercise traditional governmental functions; and be it further

Resolved, That the Legislature urges the President of the United States and the Members of Congress, in the carrying out of their responsibilities to protect and strengthen the position of the states in the federal union, avoid intrusion upon state prerogatives, and afford protection to the proper governing authorities of the states; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States and each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 181

Senate Joint Resolution No. 36—Relative to the Anti-Drug Abuse Act of 1988.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The State of California faces social, cultural, and economic devastation from the impact of its citizens participating in the use, sale, and distribution of illegal drugs; and

WHEREAS, California's counties are the state's primary providers of treatment, prevention, and rehabilitation services for that part of the state's population which is in need of anti-drug services; and

WHEREAS, California's counties face increasing financial pressure from the substantial costs of providing services relating to the nation's drug epidemic; and

WHEREAS, The needs and circumstances of each of California's 58 counties are separate and individual to each county; and

WHEREAS, California's smaller counties are forced by current reporting requirements to dedicate a substantial portion of their drug treatment and drug abuse prevention budgets to administrative expenses relative to those reporting requirements;

now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California commends the United States Congress for its dedication to the prevention of the manufacturing, distribution, and use of illegal drugs in California and the nation through the creation of the Anti-Drug Abuse Act of 1988 (P.L. 100-690); and be it further

Resolved, That the Legislature of the State of California respectfully requests the President, the Congress of the United States, and the Department of Health and Human Services to make every effort to shorten the application process for grants from the Anti-Drug Abuse Act of 1988, to eliminate the specific provisions of the act which restrict the ability of counties to administer funds in the area of greatest need, and to ease the reporting requirements for those counties in which reporting expenses exceed 30 percent of any allocation; and be it further

Resolved, That the Legislature of the State of California respectfully urges the passage of legislation to allow states adequate time to secure federal funds provided by the Anti-Drug Abuse Act of 1988; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Department of Health and Human Services, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 182

Senate Joint Resolution No. 44—Relative to Lithuania, Latvia, and Estonia.

[Filed with Secretary of State September 21, 1989]

WHEREAS, On August 23, 1939, secret protocols reached in an agreement between Nazi Germany and the Union of Soviet Socialist Republic consigned Lithuania, Latvia, and Estonia to the Soviet sphere of interest and opened these independent countries to invasion by the Soviet army; and

WHEREAS, Since August 23, 1939, these three Baltic republics have been dominated by the Soviet Union, except for a short period of domination by Nazi Germany; and

WHEREAS, The people of Lithuania, Latvia, and Estonia are demonstrating to the entire world the bravery of people who have never forgotten their democratic traditions; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California expresses its admiration for the nations of Lithuania, Latvia, and Estonia and

memorializes the President and the Congress of the United States that the Legislature supports American foreign policy which has maintained for the past 50 years that the domination of these republics by the Soviet Union has been illegal and that Lithuania, Latvia, and Estonia are independent nations; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 183

Senate Joint Resolution No. 45—Relative to forests.

[Filed with Secretary of State September 21, 1989.]

WHEREAS, The Senate of the United States, in action on the appropriations bill for fiscal year 1990, slashed \$65 million from the United States Forest Service road construction program; and

WHEREAS, The effect of this action will be to reduce the timber sale program in California by 400 million board feet; and

WHEREAS, This reduction of available timber supply represents a loss to the housing market by almost half a billion dollars; and

WHEREAS, Eight thousand jobs in California will be lost as a result of this reduction; and

WHEREAS, The rural counties of California will lose \$20 million in desperately needed revenue for schools and transportation if this legislation passes in its current form; and

WHEREAS, The loss of roads will prevent the multiple use of the forest for recreationists, such as hunters, fisherpersons, and off-highway vehicle users; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Congress of the United States be memorialized to restore the \$65 million appropriation to the United States Forest Service road construction program; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 184

Senate Joint Resolution No. 47—Relative to federal immigration policy

[Filed with Secretary of State September 21, 1989]

WHEREAS, Only one generation of immigrants has entered this nation since the 1965 reforms which eliminated the national origin quota system; and

WHEREAS, Only recently have families whose members immigrated under the 1965 reforms been able to be reunited; and

WHEREAS, To cut back on the ability of new Americans to be with their family members betrays the core American value and tradition of emphasizing the integrity of the family; and

WHEREAS, It is clear that our nation's immigration procedures need revision, but that revision must be fair for all communities in our national fabric, and must not undermine immigration opportunities for Asian Indians, Filipinos, Asian Pacifics, Hispanics, or any other ethnic group; and

WHEREAS, Legislation has been introduced in the 101st Congress to address these concerns; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation to reform immigration policy which emphasizes reunification of families and which is fair to all immigrants of all national, racial, and ethnic identities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 185

Senate Joint Resolution No. 48—Relative to the Jackson-Vanik Amendment.

[Filed with Secretary of State September 21, 1989]

WHEREAS, The Congress of the United States enacted the Jackson-Vanik Amendment to the Trade Act of 1974 (P.L. 93-618, Title IV) in response to the policies of the government of the Soviet Union concerning emigration; and

WHEREAS, The purpose of the Jackson-Vanik Amendment was to impose restrictions on trade with the Soviet Union; and

WHEREAS, The new Soviet leadership has begun to ease

emigration restrictions, and has promised more liberal policies in this area in the future; and

WHEREAS, There was a dramatic increase in the number of Soviet citizens allowed to emigrate from the Soviet Union in 1988 and 1989; and

WHEREAS, In the previous decade, the emigration policies of the Soviet Union were subject to capricious and arbitrary decisions by Soviet governmental leaders; and

WHEREAS, Congress is currently considering an 18-month waiver of the Jackson-Vanik Amendment as a result of the policy changes by the government of the Soviet Union; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States that, if it acts to waive the Jackson-Vanik Amendment for an 18-month period, that Congress also ensure strong congressional oversight of the Soviet Union's compliance with human rights, in particular the promulgation of new Soviet legislation establishing the right of its citizens to freely emigrate, progress in resolving long-term refusnik cases, and strict definition of "state secrecy" as it relates to emigration; and be it further

Resolved, That the Congress conduct public hearings during the 18-month waiver period to monitor the continued progress of the government of the Soviet Union on its emigration policies and to report to the public on whether or not the waiver has resulted in compliance and sustained increased emigration, and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 186

Senate Concurrent Resolution No. 60—Relative to the Year of the Oak.

[Filed with Secretary of State September 25, 1989]

WHEREAS, California's oak trees are part of the definition of the state's landscape: golden hills dotted with deep green trees; and

WHEREAS, California's oak woodlands provide forage for livestock, habitat for hundreds of species of wildlife, and visual enjoyment to residents and visitors to the state; and

WHEREAS, More than one million acres of oak woodlands have been lost since 1945, and the losses continue due to intensive conversion to agriculture and urban encroachment; and

WHEREAS, There are only 274,000 acres of valley oak left in California, which is unique to this state and most vulnerable to extinction; and

WHEREAS, There are only 2.9 million acres of blue oak and 39,000 acres of Engelmann oak, which is found only in southern California and Baja California, left in existence; and

WHEREAS, Several species of oak do not seem to be regenerating; and

WHEREAS, The continued health of oak woodlands is an indication of Californians' balance with their rural environment, and loss of this resource indicates a deteriorating relationship with our environment; and

WHEREAS, A number of local governments are regulating hardwood harvesting on private lands; and

WHEREAS, The State Board of Forestry, with the support of the range industry and in cooperation with the Department of Fish and Game, the Department of Forestry, and the University of California, has undertaken a program of development, extension, and research with regard to information concerning California's oak woodlands; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature designates the year of 1990 as the "Year of the Oak" in the State of California; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the California Oak Foundation and to the author for appropriate distribution.

RESOLUTION CHAPTER 187

Senate Joint Resolution No. 37—Relative to the California Army National Guard.

[Filed with Secretary of State September 25, 1989]

WHEREAS, The California Army National Guard possesses a long and distinguished history of service to the State of California and the United States; and

WHEREAS, The California Army National Guard has consistently demonstrated a high degree of professionalism and mission accomplishment and has repeatedly proven its worth as a first line combat ready organization; and

WHEREAS, Recently, the United States Army announced its fiscal year 1992 force structure changes, which will adversely affect the capabilities of three California Army National Guard units; and

WHEREAS, These force structure changes would eliminate the headquarters and the Headquarters Detachment of the 49th Military Police Battalion in Walnut Creek, the headquarters and the

Headquarters Detachment of the 143rd Military Police Battalion in San Mateo, and the 570th Military Police Company in Concord and Eureka; and

WHEREAS, The elimination of these units will result in the loss of cost-effective operational capabilities, 246 part-time and 29 full-time skilled personnel, two-thirds of the state's military police command, and control emergency response teams for wildfires, earthquakes, floods, and other natural disasters, as well as substantial revenue loss for the communities involved; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the California Legislature respectfully memorializes the President and Congress of the United States to direct the Department of Defense, the Department of the Army, and the National Guard Bureau of the United States to amend the proposed force structure changes of the California Army National Guard to retain, in an active capacity within the troop structure program for at least the fiscal years 1989 to 1993, inclusive, the headquarters and the Headquarters Detachment of the 49th Military Police Battalion, the headquarters and the Headquarters Detachment of the 143rd Military Police Battalion, and the 570th Military Police Company; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Floor Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, to the Secretary of Defense, to the Secretary of the Army, and to the Chief of the National Guard Bureau of the United States.
