

SENATE BILL 878

Chapter 301, Statutes of 1986

An act to add Sections 6525 and 66530 to the Government Code, to add Division 12.5 (commencing with Section 131000) to, and to add and repeal Division 15 (commencing with Section 142000) of, the Public Utilities Code, to add Section 7252.8 to, and to add and repeal Section 7252.10 of, the Revenue and Taxation Code, and to amend Section 42009 of the Vehicle Code, relating to transportation and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 878, Boatwright. Transportation expenditure plan: traffic offenses.

(1) [Deleted Sections Regarding the Bay Area County Traffic and Transportation Funding Act].

(2) Under existing law, there is no county transportation authority in Fresno County. This bill would enact the Fresno County Transportation Improvement Act, which would create the Fresno County Transportation Authority with a specified membership. Upon approval of a specified proposition by a majority vote Fresno County voters, mission would be authorized to impose a 1/2% retail transactions and use tax for up to 20 years to finance highway improvements and for local transportation purposes in Fresno County, with priority given to specified state highways. The authority would terminate 2 years after the tax is last collected and the bill would be repealed at that time. The bill would impose a state- mandated local program by requiring the Council of Fresno County Governments to review and assess highway transportation needs and to prepare the initial expenditure plan for the expected tax revenues and the county to hold an election.

(3) Under existing law, in Lieu of adjudicating a traffic offense and with the consent of the defendant, a court may order the person issued a notice to appear for a traffic violation to attend a licensed school for traffic violators or licensed driving school. The clerk of the court is required to collect a fee, not exceeding \$12, from a person ordered to attend a school, but the court is prohibited from imposing any other fees on the person. This bill would require the court to order the payment of an additional \$10 fee. After the county deducts \$1.10 per citation for its administrative costs, the funds collected would be transferred to the issuing local governmental entity, as specified, for deposit in its general fund.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would, by making changes in the requirements imposed on courts and other local agencies having jurisdiction over traffic violations, impose a state-mandated local program. The bill would provide that no reimbursement is required by this act for specified reasons.

(5) The bill would declare that it is to take effect immediately as an urgency statute.

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

DIVISION 15. FRESNO COUNTY TRANSPORTATION AUTHORITY
Chapter 1. General Provisions

142000. This division shall be known and may be cited as the Fresno County Transportation Improvement Act.

142001. The Legislature hereby finds and declares all of the following:

(a) In Fresno County, highway improvements and local transportation improvements and services are an immediate high priority needed to resolve the county's transportation problems that threaten the economic viability and development potential of the county and adversely impact the quality of life therein.

(b) In order to deal in an expeditious manner with current and future transportation problems, the county needs to develop and implement a local funding program that goes significantly beyond current federal and state funding which is inadequate to resolve these problems.

(c) It is in the public interest to allow the voters of Fresno County to create the Fresno County Transportation Authority so that local transportation decisions can be implemented in a timely manner to provide highway capital improvements and to meet local transportation needs.

142002. It is the intent of the Legislature that funds generated pursuant to this division not replace property tax revenues which would otherwise be expended for roads and transportation purposes.

142003. This division shall be liberally construed in order to effectuate its purposes. No inadvertent error, irregularity, informality, or the inadvertent neglect or omission of any officer, in any procedure taken under this division, other than fraud, shall void or invalidate that proceeding or any levy imposed to finance highway improvements or local transportation needs.

142004. "Authority" meant the Fresno County Transportation Authority created pursuant to this division in the County of Fresno.

142005. "Board of supervisors" means the Fresno County Board of Supervisors.

142006. "County" means the County of Fresno.

142007. "Fresno-Clovis Metropolitan Area" means that area within the adopted spheres of influence of the Cities of Fresno and Clovis, as approved and amended by the local agency formation commission.

142008. "Transportation planning agency" means the Council of Fresno County Governments or any other agency which may be designated by the Governor as responsible for regional transportation planning within the county to comply with federal and state requirements.

142009. If the electors do not approve the imposition of the one-half of 1 percent retail transactions and use tax this division is repealed as of the date that the county certifies the election results to the Secretary of State.

142010. The authority is terminated two years from the last day on which the transactions and use tax authorized by this division is collected and as of that date this division is repealed.

Chapter 2. Creation Of The Authority

142050. The Fresno County Transportation Authority is hereby created in the County. 142051. The authority shall consist of seven members selected as follows:

(a) Two members of the board of supervisors appointed by the board.

- (b) Two members representing the City of Fresno, consisting of the mayor thereof and a member of the city council of that city appointed by the city council.
 - (c) One member representing the City of Clovis appointed by city council of that city.
 - (d) One member representing the other cities within the county appointed by a committee comprised of the mayors of each of those cities.
 - (e) One member of the public at large selected by the other members of the authority.
- 142052.** (a) Except as provided in subdivision (b), and except for the Mayor of the City of Fresno, the members of the authority shall serve for a term of two years.
- (b) At the first meeting of the authority convened pursuant to Section 142110, three members shall be selected by lot to serve three-year terms, and the other three shall serve two year terms.
 - (c) If any member other than the public member ceases to be an elected official, that member shall cease to be a member of the authority, and another member shall be appointed for the remainder of the term pursuant to Section 142051.

Chapter 3. Administration

- 142100.** The authority, at its first meeting, and thereafter annually at the first meeting in January, shall elect a chairperson who shall preside at all meetings, and a vice chairperson who shall preside in his or her absence. In the event of their absence or inability to act, the members present by an order entered into the minutes, shall select one of their members to act as chairperson pro tempore, who, while so acting, shall have all the authority of the chairperson
- 142101.** The authority shall adopt rules for its proceedings consistent with the law of the state.
- 142102.** A majority of the members of the authority constitutes a quorum for the transaction of business, and all official acts of the authority require the affirmative vote of the majority of the members of the authority.
- 142103.** The acts of the authority shall be expressed by motion, resolution, or ordinance.
- 142104.** All meetings of the authority shall be conducted pursuant to Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.
- 142105.** The authority shall do all the following:
- (a) Adopt an annual budget.
 - (b) Adopt an administrative code, by ordinance, which prescribes the powers and duties of the authority officers, the method of appointment of the authority employees, and methods, procedures, and systems of operations and management of the authority.
 - (c) Cause a post audit of the financial transactions and records of the authority to be made at least annually by a certified public accountant.
 - (d) Appoint a policy advisory committee composed of one representative of each city in the county and one representative of the county. Each representative on the committee shall be an elected official. If a representative ceases to be an elected official, that representative shall cease to be a member of the committee, and another representative from that city or county, as the case may be, shall be appointed. No person shall serve on the authority and on the committee at the same time.
 - (e) Do any and all things necessary to carry out the purposes of this division.
- 142106.** The authority may hire an independent staff of its own or contract with any department or agency of the United States or with any public agency to implement this division.
- 142107.** The authority shall fix the compensation of its officers and employees.

142108. (a) Notice of the time and place of a public hearing on the adoption of the annual budget shall be published pursuant to Section 6061 of the Government Code not later than the 15th day prior to the day of the hearing.

(b) The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

142109. (a) The authority shall rely, to the extent possible, on existing state, regional, and local transportation planning and programming data and expertise, rather than on a large duplicative staff and set of plans.

(b) The authority shall not expend more than 1 percent of the funds generated pursuant to this division in any year for salary and benefits of its staff.

142110. The initial meeting of the authority shall convene within 90 days of the approval of the transactions and use tax at the election conducted pursuant to Chapter 6 (commencing with Section 142250). The Secretary of the Business, Transportation and Housing Agency shall convene the initial meeting in the City of Fresno.

Chapter 4. Powers and Functions

142150. The authority may adopt a seal and alter it at its pleasure.

142151. The authority may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

142152. All claims for money or damages against the authority are governed by Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

142153. The authority may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, but not limited to, contracts and stipulations to indemnify and hold harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this division.

142154. The authority may contract with any department or agency of the United States, with any public agency, including, but not limited to, the Department of Transportation, the Council of Fresno County Governments, or any county, city, or district, or with any person upon any terms and conditions that the authority finds in its best interest.

142155. (a) Contracts for the purchase of services, supplies, equipment, and materials in excess of ten thousand dollars (\$ 10,000) shall be awarded to the lowest responsible bidder after competitive bidding, except in an emergency declared by the authority or by an executive committee to which the authority has delegated responsibility to make that declaration.

(b) If, after rejecting bids received under subdivision (a), the authority determines and declares that, in its opinion the services, supplies, equipment, or materials may be purchased at a lower price on the open market, the authority may proceed to purchase these services, supplies, equipment, or materials in the open market without further observance of the provisions regarding contracts, bids, or advertisements.

Chapter 5. Transportation Coordination

142200. The authority shall consult with, and coordinate its actions to secure funding for the completion and improvement of the priority regional highways with the cities in the county, the board

of supervisors, the Council of Fresno County Governments, and the Department of Transportation for the purpose of integrating its planned highway improvements with the highway and other transportation improvement plans and operations of other transportation agencies impacting the county.

142201. The authority shall prepare and adopt an annual report each year on progress made to achieve the objective of improving transportation conditions related to priority highway operations and local transportation needs.

Chapter 6. Transactions and Use Taxes

142250. (a) A retail transactions and use tax ordinance, applicable in the incorporated and unincorporated territory of the county may be imposed by the authority in accordance with Section 142262 of this code and Part 1.6 (commencing with Section 725 1) of Division 2 of the Revenue and Taxation Code, if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election which shall be called for that purpose by resolution of the board of supervisors.

(b) The election shall be held on the next established election date for a general election after this division takes effect.

(c) The tax ordinance shall become operative as set forth in Section 1422.53. The tax ordinance shall specify the period, not to exceed 20 years, during which the tax is to be imposed. The tax may be terminated earlier if the conditions of Sections 142255, 142256, 142257, and 142260 have been met.

142251. The authority, in the transactions and use tax ordinance, shall state the nature of the tax to be imposed, shall provide the tax rate or rates or the maximum tax rate or rates, shall specify the purposes for which the revenue derived from the tax will be used, and may set a term, not to exceed 20 years, during which the tax may be imposed.

142252. (a) The county shall conduct an election called by Section 142250, and the authority shall reimburse the county for the county's costs in conducting the election.

(b) The election shall be called and conducted in the same manner as provided by law for the conduct of elections by a county.

142253. Any retail transactions and use tax ordinance adopted pursuant to this chapter shall be operative on the first day of the first calendar quarter commencing more than 120 days after adoption of the ordinance.

142254. The revenues from the retail transactions and use taxes imposed pursuant to this chapter may be allocated by the authority for the administration of this division and for transportation improvement purposes. Not more than 75 percent of the proceeds of the tax shall be allocated for highway capital improvements, including administration of this division, legal actions related thereto, planning, environmental reviews, design, construction, and repair. These revenues may also be used for improvements to the state highway system in the manner otherwise provided by law.

142255. Of the funds allocated for highway capital improvements pursuant to Section 142254, not more than 70 percent thereof shall be allocated for improvements within the Fresno-Clovis Metropolitan Area, which may include, but are not limited to, the following highway projects:

(a) Construction of freeway overcrossings, grade separations, and operational improvements necessary for effective connection of the designated arterial street system in Fresno with State Highway Route 99 and to avoid excessive traffic delays.

(b) Widening the Route 99 freeway from Ashlan Avenue northwest to Madera County. (c) Construction of a freeway or expressway on the designate State Highway Route 41 alignment from Clayton Avenue south of Fresno to connect with existing Route 41 freeway and Route 99 freeway.

(d) Construction of a freeway or expressway on the designated Route 41 alignment extending from Audobon Drive north across the San Joaquin River in concert with any project which may be approved by the California Transportation Commission on that alignment north to Madera County.

(e) Construction of uncompleted freeway or expressway segments on the designated State Highway Route 180 alignment from either Hughes Avenue and Whitesbridge Road eastward to connect with the existing Route 99 freeway; from the existing Route 99 freeway eastward to connect with existing Route 180 freeway at Blackstone/Abby Streets couplet, including additional improvements eastward to the existing Route 180 and Route 41 freeway interchange; and from the existing Route 180 and Route 41 freeway interchange; and from existing Route 41 freeway eastward to Highland Avenue.

142256. Of the funds allocated For highway capital improvements pursuant to Section 142254, not less than 30 percent of the funds shall be allocated for improvements within the rest of the county, which may include, but are not limited to, the following highway projects:

(a) Rehabilitation, reconstruction, and operational and safety improvements on conventional state highway segments which are not planned as freeways or expressways on alignments separate from existing routes. Eligible state highway routes include all of the following:

- (1) Route 33 from Merced County to Kings County.
- (2) Route 145 from Route 5 to Madera County.
- (3) Route 168 from Shaver Lake to Huntington Lake.
- (4) Route 180 from Route 33 near Mendota eastward to Hughes Avenue near Fresno.
- (5) Route 198 from Kings County to Monterey County.
- (6) Route 245 from Tulare County to Route 180.
- (7) Route 269 from Route 145 to Kings County.

(b) Construction of an expressway on the designated State Highway Route 41 alignment from Elkhorn Avenue north to Clayton Avenue.

(c) Widening State Highway Route 99 freeway from Tulare County north to Floral Avenue and from Manning Avenue north to Clovis Avenue.

(d) Construction of freeway or expressway segments on the designated State Highway Route 168 alignment from Temperance Avenue to existing Route 168 freeway near Edge Road and from existing Route 168 freeway near Pine Ridge to Shaver Lake.

(e) Construction of an expressway on the designated State Highway Route 180 alignment from Highland Avenue eastward to State Highway Route 63 near Orange Cove.

142257. (a) Not less than 25 percent of the proceeds of the retail transactions and use tax shall be allocated to each city and the county for local transportation purposes determined to be priority projects by local governments to which funds are allocated. The distribution of these funds shall be based upon a formula allocation in which 25 percent of the funds are allocated on the basis of proportionate total street miles and 75 percent of the funds are allocated on the basis of proportionate population using the latest estimate of population. For purposes of this subdivision, the population of the county is the population of the unincorporated area of the county.

(b) Prior to the authority allocating funds, each local government shall certify to the authority that the funds will not be substituted for property tax funds which are currently utilized to fund existing local transportation programs. If the local government is unable to segregate property tax revenues from

other general fund revenues which cannot be so distinguished, substitution of funds from the authority for general funds is also prohibited. (c) The authority shall require that local governments to which funds are allocated to separately account for those funds and maintain records of expenditures in accordance with administrative code requirements adopted by the authority.

142258. (a) The transportation planning agency shall annually review and assess the needs for highway transportation purposes specified in Sections 142255 and 142256. As part of this review and assessment, the transportation planning agency shall solicit proposals for highway transportation improvements from the Department of Transportation and the cities and the county. The transportation planning agency shall adopt a procedure for evaluating these proposals in consultation with the Department of Transportation and the cities and the county.

(b) Based on the evaluation the transportation planning agency shall prepare a plan for the expenditure of the revenue expected to be derived from the transactions and use tax imposed pursuant to this chapter, together with other federal, state, and local improvements, for a period of not less than 20 years. The first five years of the plan shall be incorporated into the transportation planning agency's annual submission to the California Transportation Commission for the state transportation improvement program pursuant to Chapter 2.5 (commencing with Section 65080) of Division 1 of Title 1 of the Government Code.

(c) The expenditure plan shall also include projections of revenues likely to be available in the next five years for capital, maintenance, and operational purposes in categories of transportation facilities, including, but not limited to, freeways, expressways, and conventional state highways, and local streets and roads and transit.

(d) Before adoption of an expenditure plan, the transportation planning agency shall conduct public hearings on the plan.

142259. Except as otherwise provided by Section 142260, the transportation planning agency may amend the expenditure plan annually.

142260. (a) The authority may, by the affirmative vote of the majority of the members, annually approve, or approve subject to amendment, the expenditure plan adopted pursuant to Section 142258. The authority shall take all appropriate actions to give highest priority to the projects in the initial expenditure plan, and any amendments shall not delay or delete any project in the initial plan without the authority holding a public hearing and adopting a resolution specifically detailing the reason why the amendments are necessary relative to conditions beyond control of the authority.

(b) The authority shall notify the transportation planning agency, the board of supervisors, and the city council of each city in the county and provide them with a copy of the proposed amendments. (c) The proposed amendments shall become effective 45 days after notice is given pursuant to subdivision (b). A public hearing shall be held on the proposed amendments prior to final adoption if any city or the county objects to the amendment in writing within 30 days of receiving the notice.

142261. If a retail transactions and use tax is adopted pursuant to this chapter, the authority shall prepare and submit a report to the Department of Transportation to the board of supervisors, to the city council of each city in the county, and to the transportation planning agency, on or before each January 1 after taxes are imposed pursuant to this chapter. The report shall evaluate and report the progress made in implementing the expenditure plan during the preceding fiscal year.

142262. The authority, subject to the approval of the voters, may impose the retail transactions and use tax at a maximum rate of one-half of 1 percent under this chapter and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, and may state the maximum tax rate in terms of not to exceed one-half of 1 percent.

142263. (a) The board of supervisors, as part of the ballot proposition to approve the imposition of a retail transactions and use tax, shall seek authorization from the electors to issue bonds payable solely from the proceeds of the tax.

(b) The maximum bonded indebtedness which may be authorized shall be an amount equal to the sum of the principal and interest on the bonds, not to exceed the estimated proceeds of the tax, for a period of not more than 20 years. The actual wording of the proposition on any short form of ballot card, label, or other device, regardless of the system of voting used, shall read as follows:

**IMPROVING ROADS
AND TRANSPORTATION IN FRESNO COUNTY**

To provide for countywide road improvements and rehabilitation freeway expansion and local transportation purposes which would contribute to better traffic flow, improved air quality, and increased safety; this proposition authorizes the Fresno County, Transportation Authority only to impose, by ordinance, a one-half of 1 percent transactions and use tax (for a period of not to exceed 20 years) with not more than 75 percent for highway improvements in Fresno County and no less than 25 percent for local transportation purposes and to issue bonds payable from the proceeds of that tax and establishes the, appropriations limit of the authority in the amount of _____dollars (\$_____).

Yes

No

142264. (a) The bonds authorized by the voters concurrently with the approval of the retail transactions and use tax may be issued by the authority at any time, and from time to time, payable solely from the proceeds of the tax. The bonds shall be referred to as "limited tax bonds."

(b) The pledge of the tax to the limited tax bonds, authorized under this chapter has priority over the use of any of the tax for pay-as-you-go financing, except to the extent that priority is expressly restricted in the resolution authorizing the issuance of the bonds.

142265. Limited tax bonds shall be issued pursuant to a resolution adopted at any time by an affirmative vote of a majority of the members of the authority. Each resolution shall provide for the issuance of bonds in the amounts as may be necessary, until the full amount of the bonds authorized have been issued. The full amount of bonds may be divided into two or more series and different dates of payment fixed for the bonds of each series. A bond need not mature on its anniversary date.

142266. (a) A resolution authorizing the issuance of limited tax bonds shall state all of the following:

(1) The purpose for which the proposed debt is to be incurred, which may include all costs and estimated costs incidental to or connected with the accomplishment of those purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, working capital, bond interest estimated to accrue during the construction period and for a period not to exceed three years thereafter, and expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(2) The estimated costs of accomplishing those purposes.

(3) The amount of the principal of the indebtedness.

(4) The maximum term that the bonds proposed to be issued shall run before maturity, which shall not be beyond the date of termination of the imposition of the retail transactions and use tax.

(5) The maximum rate of interest to be paid, which shall not exceed the maximum allowable by law.
(6) The denomination or denominations of the bonds, which shall not be less than five thousand dollars (\$5,000).

(7) The form of the bonds, including, without limitation registered bonds and coupon bonds, to the extent permitted by federal law, and the form of any coupons to be attached there to, the registration, conversion, and exchange privileges, if any, pertaining thereto, and the time when all of, or any part of, the principal becomes due and payable.

(b) The resolution may also contain any other matters authorized by this chapter or any other provision of law.

142267. The bonds shall bear interest at a rate or rates not exceeding the maximum allowable by law, payable semiannually, except that the first interest payable on the bonds, or any series thereof, may be for any period not exceeding one year, as determined by the authority.

142268. In the resolution authorizing the issuance of the bonds, the authority may also provide for call and redemption of the bonds prior to maturity at the times and prices and upon other terms as specified. However, no bond is subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

142269. The principal of, and interest on, the bonds shall be payable in lawful money of the United States at the office of the auditor-controller-treasurer of the county and other places as may be designated by the authority.

142270. (a) The bonds, or each series thereof, shall be dated and numbered consecutively and shall be signed by the chairperson or vice chairperson of the authority and the auditor-controller-treasurer of the county, and the official seal of the authority shall be attached.

(b) The interest coupons of the bonds, if any, shall be signed by the auditor-controller-treasurer of the county.

(c) All signatures and the seal may be printed, lithographed, or mechanically reproduced, except that one of the signatures on the bonds shall be manually affixed.

(d) If any officer whose signature appears on the bonds or coupons ceases to be that officer before the delivery of the bonds, the officer's signature is as effective as if the officer had remained in office.

142271. The bonds may be sold as the authority determines by resolution. The authority may sell the bonds at a price below par, whether by negotiated or public sale.

142272. Delivery of any bonds may be made at any place either inside or outside the state, and the purchase price may be received in cash or bank credits.

142273. All accrued interest and premiums received on the sale of the bonds shall be placed in the fund to be used for the payment of principal of, and interest on, the bonds, and the remainder of the proceeds of the bonds shall be placed in the treasury of the authority and applied to secure the bonds or for the purposes for which the debt was incurred. However, when the purposes have been accomplished, any money remaining shall be either (a) transferred to the fund to be used for the payment of principal of, and interest on, the bonds or (b) placed in a fund to be used for the purchase of outstanding bonds of the authority from time to time in the open market at prices and in the manner, either at public or private sale or otherwise, as determined by the authority. Bonds so purchased shall be canceled immediately.

142274. (a) The authority may provide for the issuance, sale, or exchange or refunding bonds to redeem or retire any bonds issued by the authority upon the terms, at the times, and in the manner which it determines.

(b) Refunding bonds may be issued in a principal amount sufficient to pay all, or any part of, the principal of the outstanding bonds, the premium, if any, due upon call and redemption thereof prior to maturity, all expenses of their funding, and either of the following:

(1) The interest upon the refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded out of the proceeds of the sale of the refunding bonds or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of the bonds.

(2) The interest upon the bonds to be refunded from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of the bonds.

(c) The provisions of this chapter for the issuance and sale of bonds apply to the issuance and sale of refunding bonds.

142275. (a) The authority may borrow money in anticipation of the sale of bonds which have been authorized pursuant to this chapter, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes from time to time. However, the maximum maturity of any bond anticipation notes, including the renewals thereof, shall not exceed five years from the date of delivery of the original bond anticipation notes.

(b) The bond anticipation notes, and the interest thereon, may be paid from any money of the authority available therefor, including the revenues from the retail transactions and use taxes imposed pursuant to this chapter. If not previously otherwise paid, the bond anticipation notes, or any portion thereof, or the interest thereon, shall be paid from the proceeds of the next sale of the bonds of the authority in anticipation of which the notes were issued.

(c) The bond anticipation notes shall not be issued in any amount in excess of the aggregate amount of bonds which the authority has been authorized to issue less the amount of any bonds of the authorized issue previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding. The bond anticipation notes shall be issued and sold in the same manner as the bonds.

(d) The bond anticipation notes and the resolutions authorizing them may contain any provisions, conditions, or limitations which a resolution of the authority authorizing the issuance of bonds may contain.

142276. Any bonds issued under this chapter are legal investments for all trust funds; for the funds of insurance companies, commercial and savings banks, and trust companies; and for state school funds; and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, counties, school districts, or other districts within the state, that money or funds may be invested in the bonds issued under this chapter; and whenever bonds of cities, counties, school district, or other districts within the state may, by any law now or thereafter enacted, be used as security for the performance of any act or the deposit of any public money, the bonds issued under this chapter may be so used. The provisions of this chapter are in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

142277. Any action or proceeding wherein the validity of the adoption of the retail transactions and use tax ordinance provided for in this chapter, or the issuance of any bonds thereunder, or any of the proceedings in relation thereto, is contested, questioned, or denied, shall be commenced within six months from the date of the election at which the ordinance is approved; otherwise, the bonds and all proceedings in relation thereto, including the adoption and approval of the ordinance, shall be held to be valid and in every respect legal and incontestable.

SEC. 5. Section 7252.8 is added to the Revenue and Taxation Code, to read:

7252.8. "Districts," as used in this part, also means a county transportation authority or the Metropolitan Transportation Commission if authorized to impose transactions and use taxes pursuant to this part.

SEC. 6. Section 7252. 10 is added to the Revenue and Taxation Code, to read:

7252.10. "District," as used in this part, also means the Fresno County Transportation Authority, if authorized to impose transactions and use taxes pursuant to this part.

This section shall remain in effect as long as Division 15 (commencing with Section 142000) of the Public Utilities Code remains in effect, but shall be repealed upon the repeal of that division.

SEC. 7. - Deleted

SEC. 8. If any provision of this act or the application thereof to any circumstances is held unconstitutional, that decision shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end, the provisions of this act are severable. The Legislature hereby declares that it would have passed this act, and each portion thereof, irrespective of the fact that any other portion be declared unconstitutional.

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 and 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.

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 development of traffic and transportation projects and to clarify what fees a court may order persons to pay who are ordered to attend schools for traffic violators or driving schools, it is necessary that the act take effect immediately.