

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

GEORGE DEUKMEJIAN
Attorney General

OPINION	:	No. 80-810
	:	
of	:	<u>JANUARY 14, 1981</u>
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GEORGE DEUKMEJIAN	:	
Attorney General	:	
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Robert D. Milam	:	
Deputy Attorney General	:	
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The Honorable Carol Hallett, Member of the Assembly, Twenty-Ninth District, has requested an opinion on a question, which we have phrased as follows:

Does the 1980–1981 state budget providing for an appropriation for equipment to produce fully reflectorized license plates conflict with section 4850 of the Vehicle Code providing that the Department of Motor Vehicles implement a program of either partially or entirely reflectorized license plates?

CONCLUSION

There is no conflict between the 1980–1981 state budget providing an appropriation to produce fully reflectorized license plates and section 4850 of the Vehicle Code providing that the Department of Motor Vehicles implement a program of either partially or entirely reflectorized license plates.

ANALYSIS

Section 4850 of the Vehicle Code (hereinafter section 4850) as amended by chapter 696 of the Statutes of 1979, provides:

“(a) The department upon registering a vehicle shall issue to the owner two suitable license plates or devices for a motor vehicle, other than a motorcycle, and one suitable license plate or device for all other vehicles required to be registered under this code. The plates or devices shall identify the vehicles for which they are issued for the period of their validity.

“The department *shall implement* a voluntary program in reflectorized safety license plates as soon as practicable. License plates issued under this program shall *either* be partially reflectorized or entirely reflectorized.

“(b) Notwithstanding any other provision of law, no contract shall be let to any non-governmental entity for the purchase or securing of reflectorized material for the plates, unless the department has made every reasonable effort to secure qualified bids from as many independent, responsible bidders as possible. No contract shall be let to any non-governmental entity for the manufacturing of reflectorized safety license plates.

“(c) This section shall be known as the Schrade-Belotti Act.”
(Emphasis added.)

Section 190.1 of chapter 510 of the Statutes of 1980 (hereinafter the budget bill) provides:

“For support of the Department of Motor Vehicles, payable from the Motor Vehicle account, State Transportation Fund [\$400,000] provided, that the funds appropriated by this item shall only be encumbered for the purchase and installation of the production equipment required by the Correctional Industries program, Department of Corrections, to provide *fully* reflectorized license plates for the Department of Motor Vehicles.” (Emphasis added.)

Subdivision (b) of section 4850 requires the reflectorized license plates to be manufactured by a governmental entity. California license plates are currently manufactured under the auspices of the Department of Corrections. It is our understanding that in order to produce either partially or entirely reflectorized license plates the manufacturing equipment currently used must be modified. To produce partially

reflectorized license plates the modifications would be minor, and to produce fully reflectorized plates major modifications are necessary. Once the modification has been made, the equipment would then be capable of being used only for one type of reflectorized plate without further modification.

The question raised by the requestor is whether the provisions of section 4850 providing for a choice of programs is in conflict with the budget bill appropriation of money for only one of the two programs. The controlling rule of statutory construction is to ascertain the intent of the Legislature so as to effectuate the purpose of the law. (*Select Base Materials v. Board of Equalization* (1959) 51 Cal. 2d 640, 645.) In order to determine this intent, the courts turn first to the words of the statute itself. (*Moyer v. Workmen's Compensation Appeals Board* (1973) 10 Cal. 3d 222, 230.) Other rules of construction will not be applicable when the language of a statute gives a clear indication of the legislative intent. (*Wallace v. Department of Motor Vehicles* (1970) 12 Cal. App. 3d 356, 360.) Where the provisions of a statute are susceptible to two or more reasonable interpretations, the interpretation that will harmonize rather than conflict with other provisions should be adopted. (*People v. Kuhn* (1963) 216 Cal. App. 2d 695, 698.)

In applying these rules of statutory construction, we see no conflict between section 4850 and the budget bill. In fact, it seems that the budget bill carries out the intent of section 4850. It is apparent that by the 1979 amendment of section 4850, the Legislature contemplated that at some point in time in the administrative-legislative process a choice be made between the two different modes of reflectorization. The budget bill makes this choice by providing funds for fully reflectorized license plates and by having the approval of both the legislative and executive branches of government.

Once an appropriation has been made, the administrative agency must spend that money only in the manner authorized (*Stanson v. Mort* (1976) 17 Cal. 3d 206, 233). Thus, if the appropriation in the budget bill is to be spent, it must be expended on equipment for fully reflectorized license plates. (See 14 Ops. Cal. Atty. Gen. 181 (1949).) On the other hand, the budget bill does not compel the spending of the appropriated amount of money. Section 4850 still gives the executive and legislative branches of government the option to change to a program of partial reflectorization and it would be within the Legislature's discretion to fund that choice, including, if necessary, reconverting the equipment to be used.

We conclude that the appropriation in the budget bill is one of the vehicles envisioned by the Legislature in enacting section 4850 and therefore cannot be said to run counter to the provisions of that section.
